A Questioning Judge Grants Powell Delay

By Milton Lewis
Of The Herald Tribune Staff

With a straight face, a Manhattan judge yesterday asked the lawyer for the still-absent from court Rep. Adam Clayton Powell jr.:

"Any truth to the stories he's never in the (House) chamber?"

"There is none, your honor," George Donald Covington, the lawyer, responded with some heat, "In fact, President Johnson has described him as a most productive chairman."

"I wouldn't be surprised if he did!" Justice Thomas C. Chimera, a Democrat, shot back in Supreme Court. "He's also running for office."

Then Justice Chimera ran a hand across what used to be a full head of hair, scratched his pate, and wondered out loud:

"Maybe I shouldn't say that. You want me to disqualify myself?"

"No, that's all right."

Shortly thereafter, Justice Chimera held off, at least until tomorrow, a request that he sign an order calling for the arrest on sight—anywhere in New York State—of the Harlem Democrat for having failed to submit to an examination about his assets.

That order was sought by Raymond Rubin, counsel for a 67-year-old Harlem widow, Mrs. Esther M. James. She is dunning the legislator for $46,800, the amount he has been ordered by the Appellate Division to pay for having falsely accused her on a TV show of being a graft collector for police. Originally, that figure, fixed by a jury, [illegible]

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Mr. Rubin received an order late Friday from another Supreme Court justice calling upon Mr. Powell to show yesterday why he should not be arrested for having failed to appear Friday to detail his finances. He had been directed to appear Friday by still another Supreme Court justice, who ruled he had no Congressional immunity in this case.

Mr. Rubin began by noting that yesterday was exactly 13 months to the day since the jury verdict, and observed:

"Since than I've been led on a merry chase with dilatory tactics."

"I've been reading the papers," Justice Chimera cut in. "Where does this fellow usually go—Puerto Rico? I understand he usually comes to town on Sunday. . . He's entitled to a couple of days (in this proceeding) to get organized. What kind of justice would it be if I granted an arrest order right now?"

Mr. Rubin tried to say something, but the court went on:

"Everything he hasn't done in the past is coming home to roost. The chances are that even if you get an arrest order you would only find him on a Sunday—and you can't serve him then."

"There's been a lot of publicity in this case," Mr. Covington, speaking for the absent Mr. Powell, said.

"Yes," the court readily agreed. "A lot of publicity and and a lot of ducking."

Then the judge turned to Mr. Rubin:

"Suppose I give you an arrest order. . ."

"I think I know where it can be served today."

"You're kidding!" the judge said. "The word would get out the moment I signed the order. . . . Sooner or later this man is going to come to town. The sheriff will find him."

Then, to counsel Covington:

"How you going to stop this man from getting arrested?"

Mr. Covington replied that Mr. Powell is "in Washington. I have to go to Washington to confer with him."

"Do you get paid for this?"

"Yes sir."

"In that case, you can fly to Washington and back in no time."

Finally Justice Chimera put everything over until tomorrow, when opposing sides must file briefs. Justice Chimera concluded:

"It may well be he (Rubin) may never be able to serve the order of arrest."

Mr. Covington did not disagree with that. He just stood mute.

As for Mr. Powell, he was reported to be quite busy as chairman of the House Education and Labor Committee, working on the "poverty bill." He also wants to stay in Washington to make sure the Senate—of which he is not a member—does right by the civil rights bill, already passed by the House.

Powell Play-by-Play

Here is the play-by-play of the case of Mrs. Esther M. James versus Rep. Adam Clayton Powell jr.

1963

April 4—Jury orders him to pay her $211,500.

June 7—Judge refuses to order his arrest because he has not received "due notice."

June 14—Judge orders him to show cause why he should not be arrested.

July 15—Mrs. James asks judge to have him picked up, charging he is ducking her.

July 22—Judge says Mrs. James will have to wait until Congress adjourns before she can have him arrested.

July 30—Mrs. James finds a Powell bank account, but amount is not disclosed.

Aug. 21—Mrs. James tries to serve a summons on Mr. Powell. She can't find him.

Sept. 11—Mrs. James tacks a subpoena on Mr. Powell's official residence—and also sends one through the mail.

Sept. 20—Mrs. James moves to punish Mr. Powell for contempt of court.

Sept. 28—Mrs. James repeats what she uttered when the jury returned its verdict in April: "The King is Dead!" But she's still trying to collect the money.

Oct. 15—Mr. Powell leaves for Kuwait to advise on education.

Nov. 13—Mr. Powell, in Puerto Rico, refuses to accept a subpoena.

Nov. 27—Mr. Powell subpoenaed—in Washington—by a U. S. marshal.

Dec. 25—Mrs. James says: "If I have to live to be 90 (she's now 67) I'll collect that money from Powell."

Dec. 26—Judge holds Mr. Powell in civil contempt of court.

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Jan. 2—Mr. Powell says in effect: "I'll open my books if I lose my appeal."

Feb. 6—Appellate Division cuts the $211,500 award to $46,500.

April 30—Judge orders Mr. Powell to show up next day to answer questions about his finances.

May 1—He fails to appear and another judge orders him to show cause May 4 why he should not be ordered arrested.

May 4—Mr. Powell still absent from court.

Handwriting's On Wall, Court Warns Powell

Rep. Adam Clayton Powell, Harlem's elusive Congressman, will eventually be "brought to book" because "everything he's done in the past is coming to roost," Supreme Court Justice Thomas C. Chimera said yesterday.

The comment was evoked by Powell's failure to appear in response to an order seeking to send him to jail for contempt. The case—which Justice Chimera put off until tomorrow—resulted from Powell's persistent ducking of a financial examination in connection with a slander judgment against him.

The award of $211,500 was originally made by a jury to Mrs. Esther James of 1744 Amsterdam Ave., on April 4, 1963. She charged Powell had slandered her on a television program when he described her as a "bag woman" for corrupt Harlem police. The

Rep. Adam C. Powell—[illegible], still dueling

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Appellate Division later reduced the award to $46,500.

"Sooner or Later"

Supreme Court Justice Charles A. Loreto signed the show cause order last Friday, ordering Powell to appear in court yesterday.

"Sooner or later, perhaps, you're going to get the arrest order," Chimera told Raymond Rubin, attorney for Mrs. James. "Suppose I gave you this arrest order right now?"

"I think I know where he can be served today," Rubin said. "I have a lead as to where he can be served today."

"You're kidding," Chimera said. "As soon as I signed it, the word would go out, and you'd never find him."

Rubin said he had been led a "merry chase" in the 16 months since Mrs. James obtained her judgment.

Powell's attorney, George D. Covington, requested an adjournment until Friday to prepare his case, saying his client was in Washington.

"Is there any truth in the stories that he's never in the chamber," Chimera asked.

"There is none, Your Honor," Covington replied. The lawyer said that President Johnson had described Powell as "the most productive chairman in Congress."

"I wouldn't be surprised if he said—he's also running for office," the judge snapped.

Lawyer Hopeful Powell Finally Will Show Up in Court

The lawyer trying to collect a $46,500 slander judgment from Harlem's Rep. Adam Clayton Powell cautiously predicted early today that Mr. Powell is finally going to show up in court—tomorrow.

Asked whether the elusive Congressman can be expected to put in an appearance in Supreme Court, now that Justice Thomas C. Chimeris on the verge of issuing an arrest order, attorney Raymond Rubin replied with a sigh:

"I believe he will."

But that's as far as Mr. Rubin would go in issuing his 18-month struggle to collect the slander award for his client, Mrs. Esther James, 67, who has been saying of Mr. Powell for more than a year, "The King is dead."

NO COMMENT

Mr. Powell is reported to be "in Washington" and cannot be reached, and his lawyer here, George Covington, refuses to say anything about it.

Asked early today whether Mr. Powell would appear in court Wednesday, Mr. Covington said:

"No comment."

Q. "Could you say where Mr. Powell can be reached for comment?"

A. "No comment."

Q. "Have you talked with Mr. Powell about it?"

A. "No comment. . . ."

In discussing the situation in court yesterday, Justice Chimera conceded that, 'It may well be that (Mr. Rubin) will never be able to serve the order of arrest."

ONLY ON SUNDAY

Mr. Powell, pastor of Harlem's Abyssinian Baptist Church at 132 W. 138th st., has been reportedly coming to New York only on Sundays recently, and arrest orders cannot be served on Sundays.

The 53-year-old Congressman, who maintains a $75,000 home in Vega Alta, Puerto Rico, has taken the position that neither judgment need be paid nor court appearance made until an appeal on the slander conviction is handed down by the Court of Appeals.

The Harlem Democrat was convicted of falsely accusing Mrs. James of 1744 Amsterdam ave., of being a "bag woman" (graft collector) for the Police Dept. A court award of $211,500 to Mrs. James was later slashed to $46,500 by the Appellate Division.

Whether the long-sought arrest order for Mr. Powell will be issued tomorrow remains to be seen.

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Powell Predicts No Bloodshed For Harlem

Rep. Adam Clayton Powell (D., Harlem) said today there would be no violence nor bloodshed in Harlem this summer—though widespread, frequent civil rights demonstrations were certain to occur.

In sharp contrast with his view was that of Whitney M. Young Jr., executive director of the National Urban League, who said:

any city or civic official who would claim that killings and beatings will not occur."

Powell's forecast was coupled with an expression of doubt that a race-hate gang of young Negroes was preparing a campaign of terror against whites.

"It's hard for me to imagine that such a gang exists," he said.

'Bosses Are White'

In an interview in Washington, Powell who represents Harlem's 18th District, noted that stories about the reported anti-white gang indicated its members were involved in bookmaking and narcotics.

"That kind of gang would not be interested in an anti-white program because their bosses in numbers and narcotics are white," he asserted.

Powell has charged in the past that bookmaking in Harlem was controled by whites.

Powell's declaration backs the stand of Kenneth Clark, director of Harlem Youth Opportunities Unlimited.

Clark Denies It

Clark denied yesterday that HARYOU found "specific evidence" that a race-hate group was operating in Harlem with the purpose of killing or injuring whites.

He scoffed at reports that HARYOU had uncovered such an organization although he said there was "increasing anti-white feeling" among Harlem youth.

Young said last night in a speech before the Johns Hopkins Club of New York, that there didn't seem to be any organized conspiracy against whites.

Young told the meeting at the Rockefeller Institute, 66th St. and York Ave., that he interviewed more than 20 Harlem youngsters in connection with recent killings and did not learn of a conspiracy.

"My impression was worse," he said. "It was that anger has erupted simultaneously in a hundred hearts, and that the abstract promises of jobs and bread are worthless if they cannot be translated instantly into reality."

Police continue to press their investigation of the reported group. Police maintain that as many as 60 youths have been recruited for the alleged "Blood Brothers" gang.

Six suspected members have been arrested in connected with the May 6 knife-slaying of Margit Sugar, a Hungarian refugee.

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FBI/DOJ

Powell Facing Court; Arrest Order Served

By RALPH BLUMENFELD

Rep. Adam Clayton Powell agreed to appear before a judge in Puerto Rico today after being personally served with a warrant for h[illegible]

The fiery Harlem Congressman turned up unexpectedly in the Vega Alta (P.R.) police station yesterday and listened to an officer read the warrant issued by District Judge Angel Rivera Valentin.

It cited him for contempt of court for failing to answer charges that he illegally transferred property on the island to avoid paying a $45,000 defamation judgment to 57-year-old Harlem widow Esther James.

It wasn't the first contempt citation or warrant issued against Powell in the 13-month-old James case—it was just the first time he listened. The fact that is happened in Puerto Rico was noteworthy since it had been widely assumed that Powell could elude any court order simply by staying at his island home when not protected by Congressional immunity.

Judge Rivera ordered that Powell be detained "by day or night" and set bail at $2,000. But the Congressman fas released in the custody of his attorney after listening to the warrant. No bail was collected.

Later, basking at his eight-room split-level on the beach near San Juan, Powell denied that he had been "arrested"—or even that the warrant had been served. He said his lawyer had merely reached an agreement with the judge about a hearing and that he had come to Puerto Rico "especially to be present at the trial."

He would make no attempt to invoke his Congressional immunity, Powell said. But when asked if he plans a similar waiver of immunity in New York he said, "I'll have to talk to my New York lawyers about that."

Mrs. James, who won the $46,000 judgment because Powell had referred to her publicly as a "bag woman" for police graft, was in Puerto Rico yesterday hoping for a hearing.

"Legally, Mrs. James is right," Powell said, "so there's nothing I can do. I don't think anybody wants this to go to trial."

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Powell Says He's Set To Show Up in Court

San Juan, P.R., May 21 (Special)—Faced with a warrant for his arrest, elusive, court-shy Rep. Adam Clayton Powell said today that he was ready to appear before a judge tomorrow on a contempt of court charge.

The warrant, issued yesterday, by Judge Angel Rivera Valentin, ordered Puerto Rican police to detain the Harlem Congressman "by day or night" and take him before a judge.

Rep. Adam C. Powell

Holed up at his beach home in Cerro Gordo today, Powell told The News that his attorney, Virgilio Mendez Cuesta, was trying to arrange a time for a court appearance in Vega Baja tomorrow.

He will have to answer charges that he illegally transferred his Cerro Gordo property to his wife's uncle and aunt, Gonzalo and Carmen Diago, to avoid payment of $46,500 in a New York libel suit.

Powell was found guilty more than a year ago of libeling Harlem widow Mrs. Esther James by calling her a bagwoman for corrupt police. He has not paid up and has avoided angry judges as if they were plague-ridden.

But today he said that he had come to Puerto Rico 12 days ago so that he could answer the contempt charge here. With unaccustomed humility, he said: "Mrs. James is right, legally, and therefore there's nothing to do. I don't think anybody wants to go to court."

Bill is 'In Trouble'

Powell said his presence here had put the war-on-poverty bill, now being considered by his Education and Labor Committee, "in trouble again."

"If I had been there, we would have finished today," he said. By doing this, I have delayed action. The trouble with the committee is that the chairman (Powell) is here. I run a taut ship and when I'm not there things bog down."

He said he would remain in Puerto Rico for another week.

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POWELL'S CHURCH LOSES COURT FIGHT

Must Disclose Fiscal Data in $46,500 Judgment Case

By ROBERT E. TOMASSON

The Abyssinian Baptist Church lost a legal move yesterday to prevent an examination of its with a defamation-of-character judgment against its minister, Representative Adam Clayton Powell Jr.

State Supreme Court Justice Hyman Korn rejected a motion by the Harlem church to quash a subpoena for the records. The Chemical Bank New York Trust Company, on Lenox Avenue at 125th Street, was directed to produce the account.

Examination of the bank account was sought by Raymond Rubin, lawyer for Mrs. Esther James, a Harlem widow who won a $46,500 judgment against Mr. Powell as a result of his 1960 televised statement that she was a runner for policy gamblers.

Mr. Powell, a Congressman since 1944 and pastor of the church since 1937, was cited for contempt of court last December for his failure to satisfy the judgment.

Orders of arrest against him are pending in New York, in a civil aspect of the case, and in Puerto Rico, where he is due for trial on the criminal charge of transferring property to relatives to avoid payment.

The Abyssinian Baptist Church, at 138 West 138th Street, and Mr. Powell are two of the Negro community's most powerful institutions. And they are sometimes seen as one and the same.

The church has one of the largest congregations in the country, with more than 10,000 members. When Mr. Powell is preaching, more than 2,000 often fill the church to hear him.

The 55-year-old Representative, shuttling from his Washington office to his Harlem pulpit to his home in Puerto Rico, has been re-elected nine times by his constituents in the 18th Congressional District, the last time by a plurality of 31,000 votes.

Mr. Stubin said in opposing the motion to quash the subpoena that because of Mr. Powell's "control of the church and the church funds," he wanted to examine the checks issued to the Representative and his office.

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NEW ORDER SEEKS POWELL'S ARREST

Puerto Rican Judge Acts in Defamation Case

Special to The New York Times

VEGA BAJA, P. R., May 21 — An order for the arrest of Representative Adam Clayton Powell was issued in Superior Court here yesterday. The order was issued after he failed to appear to answer charges that he had transferred his personal assets in Puerto Rico to avoid paying a defamation claim against him.

Judge Angel Revera Valentin, who issued the order, charged him with contempt of court and set bail at $2,000. On May 8, the New York State Supreme Court issued an arrest order against Mr. Powell on the same charge in another phase of the defamation case. But this would apply after the House of Representatives recesses.

Vega Baja policemen have made no attempt to seize the Congressman, who is staying at his eight-room, split-level home near the beach, 17 miles from San Juan. He has assured them he will appear in the court.

The charges against Mr. Powell trace to a $46,500 defamation of character award won by Mrs. Esther James, a 37-year-old widow who lives in Harlem. Mrs. James won a judgment in New York Supreme Court on April 5, 1963. Mr. Powell is alleged to have transferred his Puerto Rican assets on April 17.

Hearing Scheduled Tomorrow

Mrs. James, who is being represented here by Jose Belen Trujillo, a San Juan lawyer, arrived by plane from New York Monday night. He said he hoped to have the case in court tomorrow.

Meanwhile, Mr. Powell's lawyer here, Virgilio Mendez Cuesta, reached an agreement with Judge Revera for a hearing tomorrow afternoon. Earlier, it had been indicated that the hearing would take place today.

The dispute centers on the fact that Mr. Powell is supposed to have transferred his home, valued at $75,000, and its two acres of property to the uncle of his wife, Ivette, who is here with him.

The uncle, Gonzalo Diago, was unavailable for comment. He has helped Mr. Powell maintain the land since the Congressman bought it a year and a half ago from the Commonwealth of Puerto Rico.

Reached at his home, Mr. Powell said that he had come to Puerto Rico "especially to be present at the trial" on transfer of assets and that he planned to remain for about another week.

He told a reporter that he felt "legally, Mrs. James is right, so there is nothing more I can do." Mr. Powell added: "I think that nobody wants to go to trial."

Mr. Powell, voicing concern for his legislative commitments in Washington, said, "Things bog down when I'm not there."

Church Records Sought

In New York yesterday, Supreme Court Justice Hyman Korn reserved decision on a move to quash a subpoena for the financial records of the Abyssinian Baptist Church, of which Mr. Powell is the minister.

Raymond Rubin, lawyer for Mrs. James, wants to subpoena the records since March 7, 1960.

Lawyers for the church maintained that Mrs. James was not entitled to inspect the records because the church was not a defendant in the defamation suit.

Mr. Rubin said in court that he had received a telephone call May 5 from a woman member of the church who alleged that Mr. Powell had taken more than $30,000 from the church for his own use since he went off ministerial salary.

The lawyer told the court that Mr. Powell had announced some time ago that he was no longer taking a salary from the church but was only collecting expenses.

"The information I have is that he has been using church accounts for his own personal [illegible]," Mr. Rubin said.

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FBI—NEW YORK

Powell Woes There and Here

By Robert W. White

Of The Herald Tribune Staff

Rep. Adam Clayton Powell's legal merry-go-round was spinning dizzily yesterday, with police in Vega Alta, Puerto Rico, saying they had served a warrant on him, the Congressman denying this, and a court in New York hearing a plea that his Abyssinian Baptist Church be required to open its books to show how much money he may have received from its treasury since he went "off salary."

The warrant in Puerto Rico was on a contempt citation, issued against the Congressman when he failed to turn up for a court hearing in a case involving his transfer of his property in Puerto Rico to his wife's uncle and aunt.

Police announced that Rep. Powell who is in Puerto Rico, had appeared at the police station with his attorney and listened while an officer read the warrant to him. The police then permitted him to depart without putting up bail, in his lawyer's custody, although Judge Angel Revere Valentin, of Superior Court, Vega Alta, who issued the warrant, had set bail at $2,000.

Reporters who reached Mr. Powell later got a statement from him that he had not been "arrested" and that no warrant had been served on him. He said he simply had agreed to appear in court at a time satisfactory to both sides.

Asked if that might mean he would waive his Congressional immunity and finally make an appearance in a New York court, Mr. Powell said he "would have to talk to his New York lawyers about that."

The Puerto Rican court case grows out of an attempt to seize his property there.

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believed to be worth about $75,000, to satisfy a $46,500 judgment won against him in New York by Mrs. Esther James in a suit charging defamation.

Mr. Powell already is under threat of arrest in New York on a contempt charge, but the arrest cannot be made until Congress adjourns.

In the New York Supreme Court yesterday, counsel for Mrs. James appeared to obtain a subpoena of the church records, alleging some $30,000 had been paid to Mr. Powell since he took himself off the payroll as pastor, but Justice Hyman Hern took the matter under advisement after church lawyers argued that since the church is not a party to the basic suit, it cannot be brought into the case.

Mrs. James, it turned out, was in Puerto Rico yesterday, thinking the case there might come to hearing. She said she mainly just "wanted a look at Mr. Powell," whom she said she hadn't seen since she met him once in Washington in 1940.

She sued and won the judgment against the minister-Congressman because he referred to her as a "bagwoman" for the Police Department.

Powell Plans His Own Union for Plumbers

San Juan, Puerto Rico, May 23 (AP)—Congressman Clayton Powell Jr. said today he probably will organize a plumbers union in New York City in an attempt to correct alleged discrimination by Local 2 of the Plumbers and Pipefitters Union.

Interviewed at his Cerro Gordo Home, Powell said the proposed new union "will be open to all Americans, not only Negroes and Puerto Ricans." Powell (D-N.Y.) is a Negro.

Powell said he has received a memorandum from his special assistant, Donald Louis Anderson, stating that "there was no legal impediment to setting up such a union."

Local 2 figured in a recent civil rights dispute in New York involving Negro and three Puerto Ricans who wanted to join the union. All four had claimed the union gave them the runaround because of their race when they tried to join.

A Local 2 spokesman said if the men had passed the written test and a subsequent physical they would have been voted into the union.

Powell said today he would be willing to go on trial for allegedly illegally transferring property in Puerto Rico to avoid paying a court judgment. Mrs. Esther James of New York City had sued Powell for transferring his home to his wife's relatives. She has been trying to collect a $46,500 libel judgment against Powell.

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New Warrant for Powell in Widow's Suit

Mrs. Esther James was still trying to snare the elusive Rep. Adam Clayton Powell today.

The Congressman was scheduled to appear in Criminal Court yesterday to answer a summons charging him with illegally transferring funds to his wife's name to avoid paying a $46,500 final judgment to the Harlem widow he accused of acting as a "fast woman" for crooked cops.

But Powell, as on previous occasion, failed to show up.

And the judge, as on previous occasions, issued a warrant for his arrest.

Yesterday's stand-off was the latest in a long series of legal maneuvers by Raymond Rubin, Mrs. James' attorney, to make Powell pay up.

Specifically, Rubin charged that Powell transferred a $900 check to his wife's name after learning his client planned to attach it.

Originally, a jury returned a $211,500 slander verdict against the Harlem politician-minister. But that was knocked down to $46,500 last February.

Mrs. James has collected nothing except a string of court appearances so far.

According to her lawyer, the warrant issued yesterday must be served on Sunday, unlike previous bench warrants issued when he failed to answer a charge of civil contempt.

Powell [illegible] the Abyssinian Baptist Church.

Rubin, [illegible], pointed out that the Congressman [illegible]

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Sunday Arrest of Powell Sought in New Warrant

A new warrant was issued yesterday for the arrest of Rep. Adam Clayton Powell, in the latest legal maneuver to force him to pay a $46,500 libel judgment to a Harlem widow.

Raymond Rubin, attorney for the widow, Mrs. Esther James, charged Powell illegally transferred certain funds here to prevent collection by his client.

Specifically, Powell was said to have transferred a $900 check to his wife's name when he learned Mrs. James intended to attach it.

May Be Served on Sunday

As a result, Powell was to answer a summons on this charge yesterday in Criminal Court. When he failed to appear, Judge Evelyn Richman signed the new warrant calling for Powell's arrest.

Although a previous arrest warrant had been issued against the Harlem Congressman, it was on a civil contempt charge and could not be served on Sunday.

The new warrant, according to Rubin, may be served on Sunday — when the Congressman is known to visit New York — but not on church property or when Congress is in session.

Preaches at His Church

Powell visits the city Sundays to preach at his Abyssinian Baptist Church in Harlem, of which he is pastor.

If Powell could be arrested on a Sunday, Rubin pointed out, he would be held until Monday, when the civil contempt warrant also could be served.

Mrs. James was originally awarded a $211,500 slander verdict on the charge that Powell called her a "bagwoman" for corrupt policemen in Harlem. The judgment was reduced to $46,500 in February and she has been trying to collect ever since.

Rep. Adam Clayton Powell
Widow still on his trail

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Warrant, Good on Sunday, Is Issued for Rep. Powell

Even Sundays won't be safe for Adam Clayton Powell in New York from now on.

Manhattan Criminal Court Judge Evelyn Richman yesterday issued a warrant for the arrest of the Harlem Congressman on charges of "fraudulent conveyance of property." The document charges that Rep. Powell transferred about $900 proceeds from a magazine article to his wife's name to avoid payment of part of a $46,500 libel judgment obtained against him by Mrs. Esther James, a Harlem widow.

Raymond Rubin, attorney for Mrs. James, noted that the criminal warrant can be served on Sunday. The earlier warrant issued for his arrest on chages of civil contempt for allegedly failing to pay the judgment cannot. Since then Rep. Powell has visited New York only on Sundays.

Mrs. James won a judgment of $211,500 after Rep. Powell called her a "bag woman" for the Police Department on a television show. An appeals court reduced the award to $46,500.

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Court Orders Powell's Arrest

A Criminal Court judge has issued a warrant for the arrest of Rep. Adam Clayton Powell Jr. in connection with the $46,500 libel judgment obtained against him by Mrs. Esther James, a Harlem widow.

The warrant cites Powell for "fraudulent conveyance of property" under section 1170 of the Penal Law, in that he allegedly transfered about $900 in proceeds from a magazine article to his wif't name to avoid payment of the judgment.

Mrs. James has sought without success to collect from the Harlem Congressman. An earlier warrant issued for his arrest on charges of civil contempts has not been served.

The warrant issued yesterday by Manhattan Criminal Court Judge Evelyn Richman cannot be served on church property—Powell is pastor of the Harlem Abyssinian Church—or while Congress is in session.

But Raymond Rubin, lawyer for Mrs. James, noted that it can be served on Sunday. The contempt papers cannot be served on Sunday, and Powell recently has visited the city only on that day, to preach to his parishioners.

Mrs. James won an original judgment of $211,500 when Powell called her a "bag woman" (graft collector) for the police department on a television show. An appeals court reduced the award to $46,500.

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Libeled Woman Still Chasing That Powell Gold

By WALTER McDONALD

Of the World-Telegram Staff

Mrs. Esther James may yet find the pot of gold at the end of the rainbow, but to date her efforts to collect a $46,500 libel award from Rep. Adam Clayton Powell (D., Man.) have brought her only frustration.

Mrs. James, a 67-year-old Harlem widow, won her damage suit against Powell 15 months ago but she still has failed to get her hands on any Powell cash. She was libeled more than four years ago on a commercially sponsored television show. Powell called Mrs. James "a bag woman for the Police Department," charging that she was a collector of payments between gamblers and crooked cops.

Mrs. James retained Raymond Rubin of 291 Broadway as her attorney. Rubin promptly filed a $1 million damage suit in New York County Supreme Court. Thereafter, the history of the case went this way:

Sept., 1960, Powell is given notice of the suit via substitute service.

Dec. 10, 1960, Powell makes his first answer to the suit and further amends this answer in January, 1961.

Feb. 13, 1961, examination before trial starts with Harrison S. Jackson representing Powell. Subsequently, repeated adjournments are obtained, but Powell does not submit to examination.

Feb. 15, 1961, Jackson announces he is withdrawing from the case because he has become a Municipal Court Justice. He says Powell will have to obtain a new attorney.

March 2, 1961, Jackson advises Mrs. James' lawyer that Powell will not be available for examination "for a long time," because of his Congressional duties.

June 26, 1961, Rubin moves to have the Congressman's answer voided because of his

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Rep. Adam Clayton Powell

Mrs. Esther James

failure to appear for questioning.

Sept. 14, 1961. Powell retains Harry H. Lipsig as his attorney and action is halted through another adjournment to Nov. 21.

Nov., 1961. Powell finally submits to examination before trial. He makes only one appearance to answer questions.

Dec., 1962. Mrs. James' case is called for trial, but by that time Lipsig has withdrawn as Powell's counsel and this forces another postponement.

Jan., 1963. Charles T. McKinney, Powell's new counsel, wins an adjournment to March, claiming that the Congressman is working on President Kennedy's civil rights program.

March 29, 1963, trial begins, but as soon as the jury is selected Powell's counsel wins a three-day adjournment so the Harlem lawmaker can be present.

April 1, 1963, trial resumes and despite counsel's promise that Powell will appear and testify, the Congressman fails to show up.

April 4, 1963, jury brings in a verdict for Mrs. James. It grants her $11,500 for compensation and $200,000 as punitive damages.

There then began a long series of legal maneuvers — which continue—to force Powell to pay by hailing him into court to disclose his assets.

June 7, 1963, Supreme Court Justice Abraham J. Gelinoff refuses to sign an order for the arrest of Powell because the judgment was unpaid. But on June 14 Gelinoff ordered Powell to show cause why he should not be arrested for non-payment of the award.

July 22, 1963, Supreme Court Justice Charles Marks refuses to order Powell's arrest, ruling he was immune while Congress was in session.

Aug., 1963, Rubin obtains a court order enabling Mrs. James to serve papers on Powell on Sunday, but the Congressman continued to elude process servers.

Nov. 24, 1963, Powell, following a service at the Abyssinian Baptist Church, where he is pastor, is served papers calling for his appearance in Criminal Court on Jan. 15, 1964. This is for alleged criminal contempt because, Rubin claims, Powell has transferred the proceeds of a $900 magazine article to his wife, Yvette, in Puerto Rico.

Meanwhile, Powell's counsel had gone to the Appellate Division in an attempt to overturn the $211,500 award.

Dec. 27, 1963, Supreme Court Justice Arthur Markewich finds Powell in contempt of court and fines him the total amount of the judgment. He says Powell can purge himself by paying or submitting to an examination of his assets.

Feb. 6, 1964, the Appellate Division slashes the award to $46,500 and says that if Mrs. James rejects the reduced amount, a retrial of the suit will be in order.

Feb. 7, 1964, Powell's new attorney, W. C. Chance, says the Appellate Division award still is too high and announces that he will take the case to the Court of Appeals in Albany.

March 9, 1964, Mrs. James agrees to accept the $46,500 while "vigorously challenging" Powell's payment-dodging tactics, saying she will take the money "in cash, not by check."

April 8, 1964, Mrs. James files a new $250,000 suit against Powell, charging him with "maliciously conspiring" to transfer Puerto Rican property worth $85,000 to his wife's aunt and uncle. Mrs. James had previously filed a suit against Powell and his former wife, [illegible] Hazel Scott, on another alleged transfer of property involving a half interest in a Westchester house.

April 30, 1964, Powell is ordered to court to answer questions about his finances, but he fails to show up on May 1, as directed.

May 1, 1964, another judge orders him to show cause on May 4 why he should not be ordered arrested, but Powell is absent on that date, too.

Last week Manhattan Criminal Court Judge Evelyn Richman issued a warrant for Powell's arrest on charges of "fraudulent conveyance of property," growing out of the $900 magazine fee. Unlike ordinary warrants, because this is a criminal warrant it may be served on Sunday. Powell has been coming into New York City on Sundays only, but the new warrant may [illegible]

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Funds Building Up For 'Powell Day'

By WOODY KLEIN
Of the World-Telegram Staff

Supporters of Rep. Adam Clayton Powell are soliciting $25 and $100 donations from Harlem merchants and residents in preparation for an "Adam Powell Day" next month.

For their money contributors get banners and bunting to hang in their windows indicating they are participating in the Powell day.

Spokesmen for the fund-raising committee said the money will be used to cover expenses for promoting the event on radio, television and in the newspapers, and on the promotional items to be sold to the public.

The Powell Day organizers

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denied that any part of the funds would go toward his re-election campaign this year or toward paying off a $46,000 libel judgment against Powell.

Ally Is Treasurer

Henry R. Williams, an attorney and a staunch political ally of Powell's, is listed as treasurer of the event. He made this reply in answer to questions about the money:

"Campaign funds? Not a chance. There probably won't be any money left. It will all go into the promotion. If there is any left, it will go back to the committee."

Asked if the Adam Powell Day Committee might decide to use leftover funds to pay off the judgment, Williams said:

"It's their money and they can decide to do whatever they want with it. If there's any left, then we'll have to meet again and decide what to do with it."

To Improve Image

John H. Young, a Powell public relations man who is serving as chairman of the fund-raising drive, said the money will be used for the program.

"We want to create good will in Harlem and improve the image of Harlem. It will be Harlem Week, you know."

Young said no figure had been set for the Powell Day war chest. "So far," he explained, "we have collected only a few hundred dollars."

C. D. King, secretary of the committee, could not be reached for comment. King, a real estate man and liquor store owner, is on the board of directors of Harlem Youth Opportunity Unlimited-Associated Community Teams.

Contributions in either the $25 or $50 category will buy the store owner a 3-by-3 foot gold banner and two side panels of bunting.

The banner is inscribed: "Participating. Adam Powell Day. Sept. 19, 1964, Best Record as Chairman—U.S. Congress . . . Visit Harlem Week, Sunday, Sept. 13-19."

Powell is chairman of the House Committee on Education and Labor in the Congress.

The contract lists "class A" participation as corporations, department stores, chain stores and others on W. 125th St.

"Class B" participation is limited to small-business men. Additional items selling from $1.25 to $10 each include banners and panels, multi-colored strings, trimmed silk bannerettes inscribed with a picture of Powell, and felt pennants.

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HQ100-51230-268 LHM page 1

☐ For your information: _____

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FBI/DOJ

UNITED STATES GOVERNMENT

MEMORANDUM

TO: SAC, NEW YORK (105-8999) DATE 10/19/64

FROM: SA [redacted] (#43) b7c

SUBJECT: MALCOLM K. LITTLE aka
IS-MMI

[redacted] The following information was furnished by [redacted] b2
a highly sensitive source on the dates indicated.
Information, if disseminated outside the Bureau must be
paraphrased to protect the identity of this source.

8/17/64

MALCOLM X contacted [redacted] from Cairo,
Egypt, at which time [redacted] b7c

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/18/86 [redacted] b7c

1- [redacted] (43)
1- [redacted] (43)
1- [redacted] (43)
1- [redacted] (43)
1- [redacted] (43)
1- [redacted] (43)
1- [redacted] (43)
1- 100- (ADAM CLAYTON POWELL) ( )
1- [redacted]
1- [redacted] (43)
1- [redacted] (43)

[redacted]
(13) b7c

[redacted] b7c
LIST REFs.

100-22864-803

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED
OCT 21 1964
FBI - NEW YORK
b7c [redacted]

8/23/64

[redacted]

8/23/64

[redacted]

b7c

[redacted]

(believed to be ADAM CLAYTON POWELL)

[redacted]

8/25/64

MALCOLM X contacted [redacted] from Cairo, Egypt, and advised her that he is postpoing his return home so that he could "continue his journey because it is important". MALCOLM X told [redacted] to contact [redacted] about the building that they had been trying to rent and urge him on. MALCOLM X said he was not concerned about [redacted] recent animosity towards him or to [redacted] but for her to counsel all of his followers to work in unity and harmony and he would work it all out when he returned.

4-750 (Rev. 12-14-88)

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FBI/DOJ

Powell Asks for U.S. Help to Avoid Widow

By JOHN MALLON

Rep. Adam Clayton Powell Jr., who has had little luck in his legal battle with the Harlem woman he once branded as "A bagwoman for the Police Department," has turned to the U. S. Attorney General's office for help in his problems with the law.

(NYS photo by Arthur Buckley)
Rep. Adam Clayton Powell ponders headaches at NYS conference.

CLIPPING FROM THE

NY News

EDITION Final

DATE 10-12-64

PAGE 5

FORWARDED BY NY DIVISION

NOT FORWARDED BY NY DIVISION ✓

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4/18/88 BY [redacted]

b7c

100-22864-804

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
OCT 13 1964
FBI—NEW YORK

He disclosed yesterday at a press conference in his Abyssinian Baptist Church, 132 W. 138th St., that he has petitioned Acting Attorney General Nicholas Katzenbach to act as his attorney "as to all criminal matters arising out of my actions as a member of Congress."

U.S. Code Is Cited

These matters, he said, include at least one of two arrest warrants pending here.

Dressed in clerical robes and flanked by two attorneys Powell said his plea fell under a section of the U.S. Code which enables the Attorney General to step in if the criminal action takes place while Congress is in session.

He used similar grounds last Monday, he said, in a petition asking the U.S. District Court here to take over jurisdiction of the entire matter.

Powell has contended that he was attending a labor conference abroad last July when Criminal Court Judge Evelyn Richman issued an arrest warrant based on a complaint by Mrs. Esther Jessner, a Harlem widow. She had won a $211,500 judgment against him for defamation of character.

The award later was reduced to $46,500 but Mrs. James assertedly has not collected a cent to date.

Powell's requests to the U. S. District Court and Katzenbach have not yet been answered, he said.

Nicholas Katzenbach
Powell asks his help

The Harlem politician has successfully dodged a civil arrest warrant, which cannot be served on Sundays. The criminal warrant, enforceable any time, has been tied up by the court petition, Powell claimed.

Asked if the civil order falls within his petitions, Powell answered:

"An arrest is an arrest is an arrest."

Powell told reporters that he is not planning to campaign in Harlem—except on Sundays. He plans to tour the West, Midwest and some Eastern states for the Johnson-Humphrey ticket and will fly here each Sunday for local appearances.

Attacks the Mayor

Powell charged that Mayor Wagner is playing "plantation-style politics" in Harlem. He said the Mayor has angled the resignation of Assemblyman Lloyd Dickens (D-Harlem) as leader of Harlem's New Era Democratic Club and is setting up the election of a Wagner man, George Miller, deputy commissioner of licenses.

After the conference, Powell delivered a sermon on "The Ascent of Man" to his congregation and prepared to return to Washington. He had to be out of town by midnight.

4-750 (Rev. 12-14-88)

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FBI/DOJ

Powell Ready To Come Here If Bobby Asks

By BERNARD LEFKOWITZ and KENNETH CROSS

Will Rep. Adam Clayton Powell return to the city before Election Day?

If Robert Kennedy asks, the Harlem Congressman will return and join the Senate campaign. Powell says Kennedy "needs" him.

The Harlem Congressman's attorneys today were trying to clear his path by starting legal action to remove two arrest warrants against the Congressman, issued after he failed to pay a $46,500 libel judgment he lost to Mrs. Esther James.

A source close to Powell said that a petition was filed yesterday in the Southern District of federal court to vacate criminal charges against him, thus removing jurisdiction from New York County authorities.

Sheriff Threatens Arrest

New York County Sheriff McCluskey said: "I'll arrest Powell the minute he steps foot in New York."

But Powell's attorneys said that if the federal court took over jurisdiction, the case would be tied up indefinitely and Powell would be "free to come and go in the city.

Mrs. James won the judgment last year after Powell had referred to her publicly as a "bag woman" for police graft.

Powell is in Washington preparing for a nationwide tour in support of the Civil Rights Act. Seemingly unconcerned about the arrest order, he discussed the coming election.

"Kennedy's organization is terribly disorganized," he said. "It's in the worst shape I've ever seen in a political camp. He needs all the help he can get."

One of Kennedy's earliest supporters for the Senate nomination, Powell said he was "available" to help. He observed there was no rush about campaigning because he believes his district "is safe" for Democrats.

"Johnson will carry New York by 1,000,000 to 1,500,000 votes," he remarked.

Powell's tour is scheduled to begin a week from Monday. He plans to visit San Francisco, Los Angeles, Chicago, Detroit and St. Louis.

"I'll be talking to white audiences," he said, "and I'll be talking about civil rights."

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NY N Y POST

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DATE OCT 7 1964

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FBI/DOJ

Cong. Powell Warns of New Rights Push If Law Is Neglected

Adam Clayton Powell, who recently appeared in Chicago for a Civil Rights Rally, said this week that Negro demonstrations will erupt again if the Civil Rights act is not enforced.

Another leader, Bayard Rustin, who helped conduct the famed March on Washington during the Civil Rights movement, spoke in a similar vein during a speech in Cleveland.

Powell said, 'And they will erupt again when Negroes outside the South realize that the act does nothing for them and they need help in the economic area."

The dapper Congressman downgraded the role of Negro civil right leaders and asserted their claims to credit for the outpouring of Negro voters for President Johnson in Tuesday's election are "totally untrue."

He said it was strictly the result of Negro political leadership and asked that Negroes drop their emphasis on civil rights and stress greater political activity. He said that as Negroes become increasingly successful in American politics, their intelligent use of the power of political offices to secure more patronage, more jobs, and a share of the political spoils — just as every other minority group in this country has done—will obviate the need for much of the civil rights activity.

He pointed to the successful battle waged by Republican Attorney General Edward Brooke of Masachusetts as a Negro carrying a state by a landslide. He predicted that Massachusetts and Michigan loom as the states to first send Negroes to the United States Senate.

THE NEW CRUSADER
CHICAGO, ILLINOIS

WEEKLY EDITION

DATE 11-14-64

PAGE 2 COL 1

EDITOR:
BALM L. LEAVELL, JR.

CHICAGO OFFICE

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Powell Given a Sunday Punch

The pastor of the Abyssinian Baptist Church in Harlem probably won't be in town tomorrow.

In fact, the chances are that Rep. Adam Clayton Powell won't be serving his parish for some time to come.

The Democratic Congressman has been making regular Sunday visits to his church, [redacted] the latest

[redacted] ruling in Powell's 20-month-long effort to avoid payment of a slander award means the Congressman-clergyman is subject to arrest even on Sunday if he shows up in the city.

The ruling came yesterday from Supreme Court Justice Arthur G. Klein who refused to issue a writ of prohibition that would have nullified a Criminal Court order for Powell's arrest.

CLIPPING FROM THE

NY World Telegram + Sun

EDITION Seven Sports

DATE 12/5/64

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FBI — NEW YORK

Powell previously could have been arrested in New York on any day except Sunday under a civil warrant outstanding against him.

Klein, however, ruled on a criminal warrant which can be served on Powell at any time.

The criminal warrant stemmed from Powell's failure to [redacted] had had a $600 check from a magazine made out to his wife so Mrs. Esther James could not place a lien on the money.

Mrs. James, whom Powell on a television show called a graft collector for Harlem police, won a $211,500 slander judgment from a Supreme Court jury in April, 1963. The award was trimmed to $46,500 by the Appellate Division.

Powell In Absentia: Ad Infinitum?

By Milton Lewis
Of The Herald Tribune Staff

Is Adam Clayton Powell worried about eventually being forced to pay that Harlem widow a $46,500 libel judgment?

Is the Harlem Democrat and minister concerned about being slapped in jail if he shows his face in New York, even on a Sunday?

"I don't worry about anything!" he maintained as the week end began and as he prepared to leave Washington for a vacation in Puerto Rico. "I am only concerned about things that are important."

"Like what?"

"War on poverty, civil rights and the election of Ray Jones" (the first Negro ever to head Tammany Hall.)

"Well, might you never return to New York?"

"That's always a possibility."

But the Congressman, elected last month to an 11th consecutive term, left the distinct impression that if he never again sets foot in his 18th Congress District his constituents will keep sending him back to Washington, that all he has to do is put his name on the ballot.

The Congressman's legal troubles stem from a law suit brought by Mrs. Esther Mackin James. Mrs. James is a Harlem widow who has been on Mr. Powell's back since April, 1963, when a Manhattan Supreme Court jury found that he had libeled her by referring to her, on TV, as a "welfare chiseler, a chiseling welfare woman, or graft collector, or cops in league with gamblers." The jury said to Mr. Powell: "Pay her $211,000."

On appeal, that amount was chopped in the courts to a measly $46,500, and when the Court of Appeals—New York's highest court—agreed to that $46,500 figure last July, it appeared that Mr. Powell had reached the end of the gold in grading the libel payment.

But Mr. Powell, "the Congressman officially cited by the U. S. Supreme Court for [illegible] contempt, [illegible] Powell, the [illegible] for [illegible] days [illegible] [illegible] [illegible]

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FBI/DOJ

UNITED STATES GOVERNMENT
MEMORANDUM

SUPERVISOR [redacted] 43 DATE 12/17/64

FROM : BULKY EXHIBITS SECTION (FILE 64-22864)

SUBJECT: EXHIBITS MAINTAINED IN RED ROPE HOLDERS IN BULKY EXHIBIT VAULT

The Bulky Exhibit Section has instituted a project to have enclosed exhibits thoroughly reviewed for disposal or retention.

Enclosed are first and last sections of file referring to exhibits in question. The first section contains the green [redacted] reviewing the exhibits.

[redacted] receiving a copy of this memorandum is requested to have the pertinent exhibits reviewed and fill in the spaces listed below. This memorandum is to be returned to Bulky Exhibit Section by 12/22/64.

[redacted]

EMPLOYEE REVIEWING EXHIBIT

[redacted] INFORMATION CONTAINED HEREIN IS [redacted]

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POWELL ARREST FACES NEW DELAY

Opening of Congress to Bar Action on Warrants

By ROBERT E. TOMASSON

The prolonged legal efforts to force Representative Adam Clayton Powell to pay a $46,500 defamation-of-character judgment will be virtually suspended tomorrow when Congress convenes.

With Congress in session New York will be unable to execute a civil arrest warrant that has been in effect against Mr. Powell since Oct. 2, when the 88th Congress ended its session.

The United States Constitution provides Senators and Representatives with immunity from arrest in civil cases "during their attendance at the session of their respective Houses, and in going to and returning from the same."

Legal authorities are divided on whether the immunity extends throughout the traditional two-year term of Congressional sessions, or whether it lapses when the lawmakers recess for holidays and weekends.

Mr. Powell also faces a criminal arrest on a warrant that was issued here in connection with an alleged transfer of funds to avoid paying the civil judgment.

And while the United States Supreme Court has held that Congressmen are not immune from criminal arrest while Congress is in session, the judge who issued the criminal warrant stayed its execution "during session of the Congress."

The stipulation was made by Criminal Court Judge Evelyn Lichman when she signed the warrant on July 9.

The Congressman is thus protected by the Constitution from civil arrest, and by Judge Lichman's stipulation from criminal arrest while Congress is in session.

[illegible], the Congressman's lawyer said yesterday [illegible] the petition [illegible] the criminal warrant] be quashed. However, he said that Mr. Powell would promptly post bail [illegible] the Congressional session on Monday, [illegible] the warrant is [illegible] Mr. Powell [illegible] the Congressman [illegible] extradition.

[illegible] a State Supreme Court jury found Mr. Powell [illegible] defaming Mrs. Hulda James, a 68-year-old Harlem widow, by describing her on television as a "bag woman" who collected money from gamblers for payment to the police.

The jury's award of $211,500 was reduced to $46,500 by the Appellate Division, $35,000 of it punitive damages and the rest compensatory.

The lesser award, which is now about $51,000 with interest, was subsequently affirmed by the Court of Appeals, the state's highest tribunal.

Mr. Powell has avoided arrest here under either warrant since Oct. 3 by staying out of the city.

And while the state cannot extend its powers outside of New York in a civil case, the District Attorney can seek to extradite criminal defendants from other states.

Under the criminal charges, the Representative is accused of having transferred $900 he received from an article he wrote for the September, 1963, issue of Esquire magazine entitled "The Duties and Responsibilities of a Congressman to the United States."

Mr. Powell allegedly requested his literary agent, Mrs. Bertha Klausner, to make out a check for the payment to his wife, Yvette, who assertedly endorsed it over Mr. Powell's signature. Mr. Powell is alleged to have deposited the money in his Congressional account. These accounts are maintained for the convenience of Congressmen.

In an affidavit dated Nov. 20, Mrs. Klausner said "that, excluding the petitioner, Mr. Powell, and his wife, Yvette Powell, I am the only person who would have any personal knowledge of all the facts and circumstances relating to or in connection with the conveyance alleged in the complaint."

Appearance Directed

Mrs. Klausner said in the affidavit that "I have never given any testimony or been examined in said criminal proceedings by a judge."

Ten days after she signed the affidavit she was directed to appear in Criminal Court at the scheduled arraignment of Mr. Powell.

Mr. Powell did not appear and [illegible] continued [illegible] Mrs. Klausner also [illegible] postponed [illegible]

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N. Y. Times

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FBI — NEW YORK

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On the day that Mr. Powell and Mrs. Klausner failed to appear in Criminal Court, an assistant district attorney said that his office was considering the possibility of seeking a criminal information from the grand jury as a preliminary step to extradite Mr. Powell from other states.

Although the District Attorney's office has declined to discuss matters before the jury, it was understood that the Powell case has not been referred to it.

There has been no official explanation why this has not been done, or why further action has not been pursued against Mrs. Klausner for her failure to answer the subpoena.

On Jan. 18, the United States Supreme Court is expected to hand down a ruling on a writ of certiorari submitted by Mr. Powell, in which he sought permission to argue the defamation judgment before the court.

Although the writ was submitted to that court 165 days after the New York Court of Appeals upheld the judgment, instead of within the usually mandatory 90-day period, the Supreme Court can take up any case that it considers worthy of review.

4-750 (Rev. 12-14-88)

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FBI/DOJ

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Judgment Day?

The Supreme Court has slammed the door on Rep. Adam Clayton Powell's argument that it was OK to defame Mrs. Esther James on television because he had previously said pretty much the same thing with Congressional immunity.

Apparently Powell must now think about paying the $46,500 judgment (plus interest) or face the possibility of extradition proceedings by the District Attorney's office.

One likes to think he will be persuaded to end his unseemly evasions and exile by paying up. He has demeaned his office quite enough already without inviting the further humiliation of extradition.

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NY World Telegram

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DATE 1-3-65

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Powell Loses Last Appeal Hope at Supreme Court

By Milton Lewis
Of The Herald Tribune Staff

Rep. Adam Clayton Powell has reached the end of the legal line in his heartfelt battle to avoid paying a $46,500 libel judgment to a Harlem widow.

He must get the money up.

The U. S. Supreme Court so ruled in effect yesterday. It did so by refusing to listen to the Congressman's plea to review the case. It goes back to 1960, when the powerful Harlem Democrat, while on TV, called Mrs. Esther James a bag woman, or graft collector, for police.

Mr. Powell, who has been staying away from Harlem since October—so as not to

[redacted] arrested on both civil and criminal warrants stemming from the libel—was not available yesterday, according to one of his aids in his Washington office.

A secretary, who maintained she hadn't the vaguest idea where her boss might be, said that Mr. Powell would probably be leaving today for Miami, where he is to make a speech tomorrow before a group of elementary and secondary school principals. She said:

"His subject will be on education in general, with an emphasis on poverty."

Mr. Powell, chairman of the House Education and Labor Committee, got a Jan. 1 [redacted]—as did all members of Congress—from $22,500 to $30,000 per annum. And as that committee's chairman, he gets various unspecified expenses.

The bulletin dealing with the Supreme Court's turndown had barely hit New York when Raymond Rubin, the widow's lawyer, said with great glee of Mr. Powell:

"His last avenue of appeal has been cut off. I've asked the District Attorney to extradite him!"

"And what did the DA tell you, Mr. Rubin?"

"He reserved decision."

But a DA aid noted:

"Mr. Powell may have immunity from extradition while Congress is in session. We are researching."

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It was more than 21 months ago—in April, 1963—that a New York County Supreme Court jury entered the first judgment in the libel case against him. It fixed the punishment at $211,500. This was cut on appeal to $46,500, a figure upheld by the Court of Appeals, New York State's highest court.

But Mr. Powell, maintaining that his Congressional immunity extended into a TV station, has refused to pay the $46,500. This has grown, thanks to 6 per cent per annum interest, to $51,900, and is still growing. Mr. Powell did come through with $303 last December, but that was for court costs.

Mr. Powell, the day he got up that $303, said that he would pay the libel judgment "when my lawyers tell me to—that's what I'm paying them for, to advise me." So after yesterday's Supreme Court turndown, Henry R. Williams, counsel for Mr. Powell, was asked if he would recommend to the legislator that he settle with the widow. Mr. Williams said:

"That wouldn't be my province. I could only tell him the results, the effect of the decision today. The effect is that the court of last resort has spoken in the matter."

A Congressman's salary cannot be attached, because of an act of Congress.

POWELL EXTRADITION ASKED IN LIBEL CASE

Raymond Rubin, attorney for a Harlem woman who won a $46,500 libel judgment against Representative Adam Clayton Powell, has asked the office of District Attorney Frank S. Hogan to extradite the Representative.

A spokesman for Mr. Hogan said, however, that the prosecutor's office could not move to extradite anyone unless a grand jury had voted an action against that person.

Until now, the spokesman said, Mr. Hogan has had representatives opposing a number of motions that Mr. Powell has made in the various appellate courts. On Monday the United States Supreme Court refused to hear Mr. Powell's appeal against the judgment.

Mr. Rubin represents Mrs. Esther James, who won the award on the basis of remarks Mr. Powell made in a television interview. A Criminal Court warrant has been issued for Mr. Powell's arrest but Mr. Powell has bypassed New York City to avoid being arrested.

The spokesman for Mr. Hogan said there were no immediate plans for any grand jury proceedings against Mr. Powell.

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Powell Bucks Mrs. Motley As Manhattan Beep Pick

By JOSEPH CASSIDY

Rep. Adam Clayton Powell, powerful Harlem Democrat, injected himself directly into the contest for the $35,000 job of Manhattan borough president yesterday with a charge that elected leaders of the community are opposed to State Sen. Constance Baker Motley.

Adam Clayton Powell
The ... of Harlem?

Sen. Constance B. Motley
White man's choice

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"If the job is being given to Mrs. Motley because she is a Negro, then she should be selected by the elected leaders representing Harlem," Powell said in a statement released by an aid. "Unfortunately and once again, the selection of a Negro is apparently being made by the white man."

Doing Well in Albany

The Congressman said that "we, the elected leaders of Harlem, including Hulan Jack (a former borough president), Mark Southall and Percy Sutton feel that Mrs. Motley is doing an excellent job as senator in Albany.

"We think she ought to be left in the State Senate where she serves as the first woman of color elected to that august body," Powell said. He added:

"Further, there are many persons in Harlem much longer identified with the problems of that community and the borough than Mrs. Motley."

Jones Wants Watson

Powell noted that Tammany Leader J. Raymond Jones, "sole representative of Harlem in the City Council, has expressed preference" for Civil Court Judge James Watson.

Bitingly, the controversial Congressman declared that "of course, the power structure has within it the power to impose their Negro upon the Negro community but this does not make for a happy and contented Negro community."

Mrs. Motley has appeared likely compromise candidate for the borough presidency in the contest between Jones' man, Watson, and acting Borough President Earl Brown, said to be the favorite of the majority of the eight Manhattan councilmen. They are slated to hold another election meeting tomorrow.

Kennedy's Choice

However, the issue was further clouded by U.S. Sen. Robert Kennedy's sponsorship of Mrs. Motley for a $20,000 federal judgeship.

On the Republican side, U.S. Sen. Jacob K. Javits declared in a radio-TV interview yesterday that he will make up his mind by next Monday on whether to run for mayor next fall.

Cops Hit Back at Adam (Long Distance) Powell

By EDWARD KIRKMAN and LESTER ABELMAN

Deputy Police Commissioner Walter Arm lashed back at Rep. Adam Clayton Powell yesterday for his charges on the floor of the House of Representatives that the police were protecting the killers of a Harlem policy operator.

Arm said Powell "was as far from the truth as he is from Harlem."

Arm told the press: "Commissioner Murphy will not dignify Mr. Powell by answering his charges, but I will." He then proceeded to let Powell have it.

"Congressman Powell attempted to convert unfounded gossip into a semblance of fact through the medium of the press and under the 'shelter' of Congressional immunity," Arm said.

"His calculated maneuver was nullified, thanks to press alertness."

One Suspect in Jail

Here, Arm paused to praise THE NEWS for its story in yesterday's late editions noting that one of the alleged killers Powell referred to is under indictment and in jail while the other two are being hunted.

In his House speech, Powell also attacked Mrs. Esther James, the 62-year-old Harlem widow, who for years has been trying to collect a defamation-of-character judgment against Powell.

Powell blasted her as a "finger-woman" who pointed out the policy operator for execution Oct. 20.

Arthur Powers, 36, a gambler with a record, was shot to death at Amsterdam Ave. and 146th St. by one of three men in a car.

Indicted in November

Percy Lindsey, 34, of 1127 Findley Ave., Bronx, was arrested and charged with homicide Oct. 22, three days after the shooting. A grand jury indicted him Nov. 23 on a charge of first-degree murder. He is in City Prison awaiting trial. Alarms have been out for the other two suspects, Charles (Skippy) Martin, 26, and Vincent (Hawk) Manning, 32.

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Perry Lindsay, Charles (Skippy) Martin, Vincent (Hawk) Hawkins.

Hitting back at Powell's charges that narcotics pushing and gambling are widespread in Harlem and that cops take bribes to leave the dope peddlers alone, Arm said:

"Our arrest figures on narcotics speak for themselves. There was a 57% increase in such arrests in 1964 as compared with 1963."

Defends Harlem Police

To Powell's charges that the "dregs of the New York Police" are stationed in Harlem, Arm replied: "We put the best men we have in Harlem. To imply otherwise is to do a disservice not only to the police but to the people in the area."

To Powell's claim that Mrs. James "fingered" Powers for execution, Arm answered: "She was a witness and was questioned. If there had been any involvement shown by this woman, she would have been arrested."

In a new phase of the prolonged dispute between Powell and Mrs. James, she filed suit yesterday in Supreme Court to force him to pay the $210,247 slander judgment at the rate of $500 a week.

Demands His Wife Pay

Mrs. James also sought to have Powell's wife, Yvette, pay off a $60,247 judgment at the rate of $100 a week. The motion filed by Mrs. James' attorney, Raymond Rubin, is returnable March 30.

In his papers, Rubin contended that Powell's income as chairman of the House Labor and Education Committee and as pastor of Harlem's Abyssinian Baptist Church is more than $45,000 a year. Rubin said he had also been advised that Mrs. Powell was on the Congressional payroll as secretary to her husband at a salary of more than $12,000 a year.

In his House speech Thursday, Powell indicated he was prepared to pay $52,000 to Mrs. James — the original $46,500 judgment plus interest. But, he said, he would challenge the court ruling that boosted the amount to $210,247.

'That Adam, He Gets Carried Away—But He's Our Man'

By Milton Lewis
Of The Herald Tribune Staff

Several years ago when a fellow politician fell into Rep. Adam Clayton Powell's disfavor, the Congressman issued this public warning:

"He better not show his face north of 110th St."

One of the Harlem Democrat's many admirers thought out loud:

"Adam oughtn't to have made that threat. He knows we're behind him. It just don't become a Congressman to talk like that."

The minister of the 10,000-strong Abyssinian Baptist Church has been talking like that for years. He not only gets away with it, he apparently wins more and more converts.

His enemies who would have you believe they are legion, evidently stay away from the polls, because Mr. Powell keeps piling up larger and larger pluralities. He has been returned to Congress every two years since he first stood for election way back in 1944.

Every time he gets into trouble when he was indicted on tax-evasion charges, for instance his adherents unfurl their flag and rally to the support of their "martyr."

They jammed the courtroom at his first trial, which in a hung jury on one count after two other counts had been thrown out by the judge. And they cheered lustily when the government, rather than try him again on the remaining charge, dropped it in 1961.

The chairman of the House Education and Labor Committee is now married for the third time, but his principle following in New York's 18th Congressional District considers it the fallen. He is tall and handsome and so light-skinned that some of his enemies profess to find it hard to believe he has Negro blood in him. He always emphasizes that he is a Negro and proud of it.

He has not seen his constituents in Harlem since Thanksgiving, the latest of such

Adam Clayton Powell

as he says he loves them, he dislikes going to jail for contempt for failing to pay a $46,500 libel judgment to Mrs. Esther James, a Harlem widow. He called her a graft collector for police and he made the statement on TV. He now owes her a total of $210,000.

A committee of Harlem women has, however, recently undertaken a campaign to raise at least part of this judgment. The committee reported on Thursday, it had raised $10,000 in cash and pledges, but yesterday, after Mr. Powell's latest blast from the floor of the House, a committee spokesman refused comment on the week-end total.

A little more than a year ago he showed his face in Harlem after a long absence. He held a press conference at his Harlem political club, jammed with his followers. The appeals courts had not yet ruled against him in the libel suit.

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Powell, "do you think it will hurt you politically?"

Mr. Powell, waving an oversized Havana, called to his admirers:

"You answer that question for me!"

"NO!" came the resounding response.

He and they both knew what they were talking about. Last November, Mr. Powell, running as a Democrat, polled 33,681 votes. He had three opponents. Their total votes came to 17,329. Mr. Powell had received another mandate from his constituents, whom he advised:

"Nobody is going to take from you your man and I'm your man! . . . I will be your servant, not a boss, not a chief, not even a leader but a servant."

Last November, right after he was re-elected (he sent an absentee ballot), a newsman found Mr. Powell in the bar of Honolulu's Royal Hawaiian Hotel. With the lawmaker was one of his secretaries, a 22-year-old ex-Miss Universe contestant. When the reporter asked for an interview, Mr. Powell reportedly made this reply:

"You want me to beat a glass over your head? Get out of here before I slug you."

The same parishioner who didn't think Mr. Powell should have warned another politician against coming north of 110th Stl didn't like that with local standards and costs crack either.

"That Adam" he said. "He gets away, I guess. But like he says, he's our man."

Meanwhile, Mr. Powell sounds off in Congress, as he did last week, charging that the "underworld" and crooked police are responsible for his libel troubles. He is due for more such trouble if he repeats off the libel-proof House floor one of the things he said there: That Mrs. James owns the "finger" in a Harlem murder.

"Adam," Mrs. James says over and over again, "is dead. The thing is dead."

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Powell Flies In, Gives Up, Flies Out

Adam Clayton Powell made a rare midweek appearance here yesterday to answer a criminal charge stemming from his overdue debt to Mrs. Esther James.

Rep. Powell was paroled for a hearing April 27 by Criminal Court Judge Braun after he unexpectedly flew in from Washington to surrender to a warrant.

"It's been bothering me," he remarked to a reporter after flying here. "I've got so much work in Washington. I've got to get this on the track. I'm handling practically the whole domestic program of the nation."

Powell, chairman of the House Education and Labor Committee, had been appearing here only on Sundays, when the service of warrants is prohibited by law. Before flying back to Washington, he promised to return again this Sunday to preach from the pulpit of Harlem's Abyssinian Baptist Church.

"I preferred that it be kept quiet," he said of yesterday's appearance. He was accompanied by attorneys William C. Chance Jr. and Henry Williams.

Powell was originally ordered to pay a $211,500 judgment for having falsely accused Mrs. James in 1963 of being a graft collector for the Harlem police. The judgment later was reduced to $46,500 which, with interest, now amounts to about $52,000, Powell said.

His appearance yesterday was to answer to a complaint by Mrs. James that he sought to get (on

REP. POWELL
He'll be back Sunday.

having a literary agent transfer $800 to his wife, Mrs. Yvette Powell, to avoid paying the judgment.

When Powell asked for parole and a hearing April 27, Asst. DA Moynihan said he did "not object to parole in view of the defendant's reputation."

Meanwhile, not far away, Raymond Rubin, Mrs. James' attorney, was seeking a U. S. court order to void Powell's election to Congress on grounds that Powell, by remaining away from his district, was not an "inhabitant" of the state.

District Judge Tenney reserved judgment on the Rubin

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A $10G Reprieve For Powell—'If'

By ALFRED BOSKINS and JOSEPH J. COHEN
Journal-American Staff Writers

Supreme Court Justice Charles A. Loreto today se[t]
[a]side a $210,000 judgment against Rep. Adam Clayton
Powell and his wife which had been awarded to a
Harlem widow. But the court's order carried a big "if."

Justice Loreto said his order would stand only if Mr. Powell appeared in court to contest the charge that he had conspired to avoid payment of the original libel award—$46,700—by transferring property in Puerto Rico.

The Congressman had refused to pay the money to Mrs. Esther James after a jury awarded her the libel judgment in April, 1963.

Finally, charging that the Congressman was continuing to avoid payment by transferring property belonging to him and [illegible], Mrs. James' attorney [illegible].

STILL OWES $9G

Last Feb. 11, a jury awarded Mrs. James the $210,000, dividing it this way—$150,000 against the Congressman and $60,000 against his wife.

He still owes Mrs. James $9,000, however, as a result of [illegible] in-

[illegible] to whether the Congressman had been properly served in the suit.

Henry Williams, Mr. Powell's attorney, moved to set aside the jury verdict on the grounds that the Congressman had not been properly served. Mr. Williams maintained that Mr. Powell did not live at 300 W. 180th St., where the suit was served, but resided at 2809 5th

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Justice Loreto said the issue of where the suit was served would be referred to a referee for determination. But, the court added, if Mr. Powell chose to accept service of the suit and litigate it on its merits, he would set it aside.

The jurist also noted that Rep. Powell would have to pay only $84 court costs incurred by Mrs. James in obtaining the $210,000 judgment.

[redacted] obtained that Mr. [redacted] would decide on-[redacted] had mailed a check for $[redacted] to Mrs. James' attorney and that he would like notice that his client was ready to appear in court.

The ruling by Justice Loreto coincided with a [redacted] report that several hundred "friends" of Mr. Powell had been invited to attend a cocktail party tonight in the honor in Washington.

The report alleged that each guest would be asked to pay $50 and that the money would be used to help pay the money Mr. Powell owes Mrs. James. The report was promptly denied by party is not a fund-raiser.

In view of the court's ruling, any party tonight in Mr. Powell's honor doubtlessly would turn into a victory party.

The Gay Whirl For Powell

The gay social whirl whose purpose is to raise money to get Rep. Adam Clayton Powell off the hook gets giddier and giddier.

Last week it was a dinner in Washington.

Yesterday it was a cocktail party at the Alfred E. Isaac Club of Democrats, 3495 7th ave.

About 50 persons were there, including Correction Commr. Anna M. Kross, Assemblyman Percy Sutton, Assemblyman Mark Southall, and former Manhattan Borough President Hulan Jack.

The party chairman, Mrs. Rose Lasley, did not say how much money was raised. Rep. Powell needs over $50,000 to pay judgments against him which prevent his coming to New York City, except on Sundays, under pain of arrest.

But Mrs. Lasley said more social events are scheduled—a concert, a midnight show June 4, and another cocktail party at Small's Paradise.

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(Mount Clipping in Space Below)

Powell Wins Round On Fraud Judgment

By RICHARD J. H. JOHNSTON

State Supreme Court Justice Charles A. Loreto gave Representative Adam Clayton Powell a chance yesterday to contest a $163,500 award against him and his wife, Yvette.

The award has been given to Mrs. Esther James on her complaint that the Congressman had fraudulently conveyed property he owned in Puerto Rico in an effort to evade paying her a $46,500 award for defamation.

The outcome of the contest on the $163,500 judgment, which Justice Loreto tentatively set aside yesterday, would have no bearing on the original defamation award.

Mr. Powell, through his lawyer, Henry Williams, contended that the summons in the original suit was served improperly —being served at one local address while he was living at another.

On this basis Justice Loreto yesterday offered the chance for Mr. Powell to appear in the original suit and "litigate it on its merits."

Justice Loreto ruled that Mr. Powell could seek to have the judgment set aside by filing within five days a stipulation contesting the action on which the award was based.

He stipulated that Mr. Williams send a check for $83.43 to Raymond Rubin, Mrs. James's lawyer, for court costs in setting aside the second judgment. Mr. Williams said yesterday he would mail the check over the weekend.

Mrs. James won the original judgment two years ago when she charged Mr. Powell had defamed her by calling her "a bag woman," or agent for Harlem gamblers. The original jury award was for $262,000, but this was reduced to $46,500 by the Appellate Division.

Mr. Powell contended that the summons in the suit charging him with fraudulent transfer of the Puerto Rico property to his wife's relatives had been served improperly at 120 West 128th Street last April 2, 1964, when his residence was at 2368 Seventh Avenue.

Powell Gets Contributions

Special to The New York Times

WASHINGTON, April 2—Representative Powell was honored, financially as well as personally, tonight at what an aide described as "a small private party."

It was one of a series of social events being sponsored by the Harlem Democrat's friends to help him pay the $46,500 judgment against him that arose from a New York City defamation case.

Reports that those attending tonight's cocktail party at Billy Simpson's Ebony Table were each contributing $50 were denied by one of the guests. The invitations, sent out over the name of Lionel Hampton, the musician, did not specify any contribution.

A second fund-raising affair will be held on April 25 at Big Wilt Small's Paradise, Seventh Avenue and 125th Street, in New York City. A Powell spokesman said he did not know what contribution would be expected at that time.

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1 NEW YORK TIMES

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Editor: CLIFTON DANIEL
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FRIENDS OF POWELL HOLD A FUND PARTY

WASHINGTON, April 3 (AP) — Friends of Representative Adam Clayton Powell gave him a party last night and raised some money to help him pay off a defamation judgment.

Just how much was raised for the Harlem Democrat was not announced and remained uncertain. Although fund-raising was apparently the main idea for the party, some guests said they contributed nothing and were not asked to.

The party attracted more [illegible] people to the upstairs room in a crowded restaurant [illegible], who announced the party along with [illegible] bond [illegible].

"This was just a party to wish Adam well," said one guest. "Some of the boys chipped in something for the fund but there was no admission charge and nobody passed the hat."

Among those who emphatically denied there was any attempt to collect money from them were members of the House Education and Labor Committee, of which Mr. Powell is chairman. Most Democrats on the committee attended.

Mr. Powell was ordered to pay $46,500 to Mrs. Esther James of Harlem two years ago for having called her a grafi collector for the police.

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A Party Comes to Aid of Powell

This is Be-Kind-to-Adam-Powell Month, and it was launched in Washington on Saturday with a fountain of champagne, another spout pouring martinis and 150 guests who brought money.

The last element was vital to the merry-making. The party—in Billy Simpson's Ebony Table Restaurant—was the first of three to be held in April to help the Harlem Congressman pay off his libel judgments.

At least $7,500 was reportedly raised among Powell's friends and fellow lawmakers, who included House Majority Leader Albert (D-Okla.), Rep. Pucinski (D-Ill.) and Rep. Patsy Mink, who, besides being a Democrat, is Hawaii's beauteous contribution to Powell's House Education and Labor Committee.

The music at the party was helped because Lionel Hampton, in whose name the invitations were issued, never appeared. The guest of honor came in through the back door to avoid reporters waiting around the front entrance.

On Sunday, there was to be a cocktail party for the $30,000-a-year Congressman at his political club, 2495 Seventh Av. The big fund-raising event of the month is a $25-a-head affair at Small's Paradise in Harlem.

Powell needs $52,000—$46,500 plus interest—to pay Mrs. Esther James, a Harlem widow, for having libeled her on TV by calling her a graft operator.

The best news of the week for the legislator came Friday when a judge conditionally set aside a second judgment for $463,500 that Mrs. James won Feb. 11 as a result of his avoidance of payment.

REP. POWELL

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Court Gives Powell Possible Out

Harlem Rep. Adam Clayton Powell finally won a round yesterday in his long court battle with Mrs. Esther James, who won a $210,000 judgment against him after he called her a bagwoman for the Police Department.

Supreme Court Justice Charles A. Loreto ruled that Powell can have an opportunity to set aside the jury award against him and his wife, Yvette, if he files a stipulation within five days contesting the action on which the award was based. Powell must also agree to pay $34.43 in disbursements to Raymond Rubin, Mrs. James' lawyer.

Two Separate Awards

Two years ago, Mrs. James won a separate $46,500 judgment for slander.

On Feb. 11, she obtained the $210,000 judgment in a jury inquest stemming from her suit charging that Powell fraudulently conveyed property in Puerto Rico to his wife's relatives in an attempt to evade the slander award.

Calls Serving Improper

Powell has claimed that the [illegible] fraudulent [illegible]

[illegible] was served improperly at 120 W. 138th St. on April 2, 1964. He testified that the residence at the time was 2368 Seventh Ave.

Henry Williams, Powell's lawyer, said he would send a check to Rubin for the costs. However, the original slander verdict still stands.

Loreto indicated in his ruling that the motion to vacate the judgment would be referred to Seymour Bieber, a special referee.

$50-a-Plate Dinner To Help Adam Pay

Washington, April 2 (UPI)—Friends of Rep. Adam Clayton Powell put on a bring-your-own-money party tonight to help the controversial lawmaker pay a $211,000 libel judgment.

The helps of admission was still being considered, but each guest was expected to pay $50 for the privilege of showing up at a Washington restaurant.

Asked about the party, Powell said he had no details. But the man behind it was known to be jazz musician Lionel Hampton.

The room picked out for tonight's party accommodates about 200 persons, and thus could raise about $5,000.

This is not the first time friends have come to his financial aid. In New York, a committee of Powell's parishioners has also organized a fund-raising drive to help him.

Adam Clayton Powell
Could save 210G

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A Surprise Court Visit By Powell

By James W. Sullivan
Of The Herald Tribune Staff

Harlem's fugitive Congressman surrendered to local authorities yesterday after five months of avoiding his district and the church of which he is pastor.

Rep. Adam Clayton Powell surrendered in Criminal Court on a charge of fraudulently transferring funds to his wife's account to avoid making payments on a libel judgment.

The Democratic Congressman, jovial when he first appeared, stood silently as his attorney, William Chance, asked Judge Arthur Brann to quash the two warrants outstanding against him.

Judge Brann set Mr. Powell's bearing for April 27 and released him on parole. Mr. Powell immediately returned to Washington.

His surrender [illegible] as

attorneys for Mrs. Esther James, the Harlem widow who holds a $46,500 libel judgment against Mr. Powell, were appearing in Federal court, to ask that the Attorney General institute proceedings to bar Mr. Powell from his Congressional seat.

Mrs. James won the award, increased to $211,500 by interest actions, when she sued Mr. Powell for describing her as a "pig woman" (graft collector) for the police department.

NO SUCCESS

Mr. Powell has never paid the award and Mrs. James has been unsuccessful in her attempts to collect because he avoided coming to New York.

Her attorney, Raymond Rubin, charged in Federal Court yesterday that Mr. Powell was not legally a Congressman because he was no an inhabitant of New York State when he was re-elected last November.

Mr. Rubin maintained that the Federal court had jurisdiction in the case, that Mrs. James' constitutional rights had been violated and that the court "has the right to step in and protect those rights."

Assistant U. S. Attorney Arthur S. Olick argued that there is no statute giving the court jurisdiction in the case and that, on the other hand the Constitution provides that Congress is the sole judge of the qualifications of a Congressman.

"There is absolutely no jurisdiction in this or any other court ..." he said.

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Rep. Adam Clayton Powell

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Judge Charles H. Tenney [illegible] decision in the case.

The charge on which Mr. Powell surrendered involves the transfer of $900.

Mrs. James won her judgment in April, 1963. Mr. Powell fought the case to the Appellate Court, then took to visiting New York except on Sundays, when he was immune from civil service.

Whenever he was ordered [illegible] for criminal contempt—five months ago and since had avoided the city altogether.

Mr. Powell said yesterday that he will return to New York Sunday to preach the Palm Sunday sermon at his Abyssinian Baptist Church in Harlem. His sermon topic will be "The Imperishable Dream," he said.

He has maintained lately that he will pay Mrs. James the original judgment, plus interest, and has held a series of parties to raise the money.

One of the parties, in Washington, included fountains flowing with champagne and martinis. Other collection methods for the Powell Relief Fund have brought charges that the judgment is to be paid by "the poor people of Harlem."

Powell Back In Stride Here

The unexpected return of Rep. Adam Clayton Powell to New York has opened the door to his attending future fund-raising affairs planned in his behalf.

The Harlem Congressman ended a five-month weekday absence from the city yesterday when he appeared briefly in Criminal Court. His voluntary surrender in court nullified two arrest warrants against him.

He was paroled for a hearing April 27 on charges that he fraudulently transferred funds to his wife's account to avoid paying part of a libel award to Mrs. Esther James, a Harlem widow.

"Women for Powell," an organization that has held one fund-raising cocktail party for him, plans another similar affair in his honor two days before the hearing.

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POWELL RETURNS TO FIGHT WARRANT

Ends Weekday Absences—Paroled in Fund Transfer Linked to Slander Case

By JACK ROTH

Representative Adam Clayton Powell came to New York yesterday. It was the first time in five months that he had been known to have set foot here on a weekday.

If the Harlem Democrat had come to New York on any day but a Sunday he would have been arrested. No legal process is served on Sunday.

Yesterday, Mr. Powell surrendered to answer a Criminal Court warrant that had been issued for his arrest on a charge of violating a section of the Penal Law by fraudulently transferring funds to his wife's name.

The warrant was issued on the basis of a complaint made against Mr. Powell by Mrs. Esther James, who had won a judgment against him for slander. He had called her a "bag woman," or graft collector, for the police. Mrs. James charged that Bertha Klausner, a literary agent, had sent to Mrs. Yvette Powell a $500 check that should have been sent to the Representative.

Mr. Powell appeared before Judge Esther Brown. He was accompanied by one of his lawyers, William C. Chance Jr. and Henry Williams. Mr. Chance asked that the arrest warrant be vacated because his client had surrendered voluntarily. In addition, he asked that Mr. Powell be paroled and that a hearing on the complaint be set for April 27.

Judge Braun agreed and paroled Mr. Powell when Assistant District Attorney Patrick J. Moynihan said he did "not object to parole in view of the defendant's reputation."

Judge Braun said he would "go along" with parole because Mr. Powell was a "public figure," but he told the defendant that under the law he must warn him that if he jumped parole he would face another charge.

Mr. Powell obviously had made efforts to keep his court appearance secret. But he made light of this when he found himself going to the courtroom in an elevator with a reporter who had his notebook out.

'Out of My Hair'

Representative Powell said he had come to the city to "get this thing out of my hair."

"I talked to friends in Washington," he said, sitting in the rear of the courtroom awaiting the call of his case. "They urged me to get it over with.

"It's been bothering me. I've got so much work in Washington. I've got to get this on the track. I'm handling practically the whole domestic program of the nation."

He is chairman of the House Education and Labor Committee.

Asked why his trip here had been announced in the light of all the recent publicity in the matter, Mr. Powell smiled and said:

"I preferred that it be kept quiet. I don't want any publicity."

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Asked why he finally decided to come here, he said it was because "I want to come and go in my own city when I want to."

Mr. Powell then explained that the judgment against him now was "about $52,000 including interest that I expect to pay this month."

'Would Have Been Final'

He said that if he had had to pay the original $211,500 judgment against him it "would have been final."

The $211,500 judgment against Mr. Powell was reduced to $46,500, plus the interest by the Appellate Division.

The Representative said he had left Washington on a 1:3[illegible] P.M. flight that had brought him to Newark Airport about 3 P.M. He said he returned to Washington last evening.

"Remember," Mr. Powell said, "I'll be preaching this Sunday [in the Abyssinian Baptist Church here, of which he is minister] and we'll have radio and television in there for the first time."

He added that his sermon would be based on a story of Joseph in the Old Testament and its title was "The Imperishable Dream."

As Mr. Powell was led to the courtroom, one of his lawyers, Mr. Williams, said to a reporter: "When I saw you at 2 P.M. I wondered whether you had any idea that the Congressman was coming."

Mr. Powell, neatly dressed as usual, appeared quite calm and casual about his court appearance, shook hands with a number of persons who followed him about and puffed leisurely on a cigar as he walked out of the court.

When Mr. Powell entered the Criminal Courts building, Raymond Rubin, Mrs. James's attorney, who has tried desperately for the last five months to have the warrant served on the Representative, was in Federal Court—three [illegible] away.

Associated Press

SURRENDERS TO COURT: Representative Adam Clayton Powell appeared here to answer complaint in connection with libel action.

Seeks to Remove Powell

He asked Judge Charles H. Tenney to direct the Attorney General to start an action to contest Mr. Powell's right to office. Mr. Rubin argued that at the election last November Mr. Powell was not an "inhabitant" of the state, as required by the Constitution.

Mr. Rubin said that Mrs. James's property rights — the slander award—had been impaired without due process of law and it was the duty of the Attorney General to bring an action.

Arthur B. Olick, assistant United States Attorney in charge of the Civil Division, told Judge Tenney that the court did not have jurisdiction in the matter. He said that only Congress had the right to question the qualifications of one of its members.

"Whatever we may think of Mrs. James; whatever we may think of Adam Clayton Powell; whatever our moral and political views may be—the sole issue before this court is one of law," he said.

"We are not concerned with the righteousness of Mrs. James's battle with Congressman Powell nor with Powell's status as a member of Congress. Our sole concern is whether this court has the power to grant the relief sought by Mrs. James."

Judge Tenney reserved decision.

Powell Flies In, He Surrenders And Is Paroled

By ALFRED ALBELLI

Rep. Adam Clayton Powell (D-N.Y.) flew up from Washington and surrendered in Manhattan Criminal Court yesterday on a warrant obtained by Mrs. Esther James, the Harlem widow who holds a $46,500 judgment against him for defamation.

In a 1963 TV interview, he charged that Mrs. James was a bag woman—a collector of graft

(NEWS foto by Ed Clarity)
Rep. Adam Clayton Powell outside court.

from gamblers for transmission to crooked cops.

The Battle to Collect

Her efforts to collect have, so far, been futile and Powell purposefully had stayed out of the city except for such times as Congressional immunity has spared him from arrest. Mrs. James' battle to collect has been pursued by her counsel, Ray Rubin, in the federal, state and local courts.

Properly dressed as always and looking fit, Powell went into court with two lawyers, Henry Williams and William C. Chance Jr.

The warrant obtained by Mrs. James charged Powell with "transferring property to avoid payment of the defamation judgment.

Judge Arthur Braun paroled Powell pending hearing on April 27.

In Federal Court, Judge Charles H. Tenney reserved decision on a motion by Rubin to have the U.S. Attorney General institute court proceedings challenging Powell's right to a seat in Congress.

Rubin contended that Powell was holding office illegally since he was not an "inhabitant" of New York State, as required by law, when reelected last November.

Sees No Jurisdiction

Opposing the motion, Assistant U.S. Attorney Arthur S. Olick said there was no statute giving the court jurisdiction in the case.

"Mrs. James claims she is being deprived of valuable property," said Olick. "She has not been deprived of due process. She simply has no standing. Whereas she points to one section of the Constitution, she completely ignores another which makes Congress the sole judge of qualifications of a Congressman."

(NEWS foto by Charles Frattini)
Mrs. Esther James at Federal Court yesterday.

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Powell Doubles Johnson's Bid For New Poverty War Funds

By Andrew J. Glass
Of The Herald Tribune Staff

WASHINGTON

Rep. Adam Clayton Powell [illegible] politicians yesterday of capturing control of Federal anti-poverty funds and feeding "political hacks at the trough of mediocrity."

At the same time, the Harlem Democrat called for a fourfold spending increase in the war against poverty during the year starting July 1. This is double the $1.5 billion that President Johnson is seeking from Congress for the next fiscal year.

While it appeared unlikely that the House Education and Labor Committee would approve the full $3 billion sought by its chairman, there was strong sentiment on the panel for clearing substantially more money than the President had requested.

ANSWER MEN

A special Powell-led poverty subcommittee opened hearings on the bill and set a target of May 1 for concluding its work.

Its first witness was Sargent Shriver, director of the Office of Economic Opportunity, who pushed for a two-fold spending increase. He asserted that the program, in its first six months, had proven itself "prudent, practical, fiscal and patriotic."

[illegible] Shriver [illegible] an eight-page statement, a 39-page formal [illegible] presentation" [illegible] Shriver found [illegible] When he moved [illegible] additional $2 billion [illegible] [illegible] [illegible]

behind Rep. Powell replied: "Politics." He charged that City Council President Paul R. Screvane was bent on wiping out both the Mobilization for Youth program on Manhattan's lower East Side and Haryou-Act, a self-help project in Harlem for which Rep. Powell has a high regard.

"I'm going to tell him (Mr. Screvane) that he's not going to do it," the chairman said. (New York officials, including Mayor Wagner, are scheduled to appear before the subcommittee Thursday.)

Although Mr. Shriver was kept busy rebutting complaints against the way the Poverty Program was being managed, he was able to leave a record of achievement with the subcommittee.

By June 30, he noted, there will be 19,000 Job Corps enrollees scattered in 139 centers —a fraction of the 200,000 youths who have applied for a berth in the corps.

In addition, he listed 500 community action programs, with the grants dispersed through 250 communities; 150,000 neighborhood Youth Corps volunteers working part-time for $1.25 an hour in 275 communities, and 2,000 Domestic Peace Corps volunteers placed in 100 communities.

Federally-paid work-programs will also involve 45,000 poor college students at 2,000 schools, while another 25,000 trainees will be participating in adult education courses.

Under the $1.5 billion program projected by the Administration for next year, Job Corps enrollees would be increased to 64,000; peace corps volunteers to 5,000; neighborhood corpsmen to 215,000; student work study programs to 100,000, and adult education to 70,000.

Powell Threatens Cutoff In Antipoverty Aid to City

Says Wagner Ignores Requirement to Use the Poor in Developing Program —Mayor Defends Administration

By WARREN WEAVER Jr.
Special to The New York Times

WASHINGTON, April 15—Representative Adam Clayton Powell threatened today to try to cut off all Federal financial support for New York City's antipoverty program.

The New York Democrat charged Mayor Wagner to his face with violating the antipoverty statute Congress enacted last year by failing to include enough poor people in the development and administration of the city's plan.

Then, in a television interview in the corridor outside a House hearing room, Mr. Powell declared that he would ask the Controller General to stop allocations of antipoverty aid to New York City because of the illegality of its program.

Mayor Wagner defended the city program, both in the hearing and before the cameras, saying that it was legal and was considered perfectly satisfactory by the Office of Economic Opportunity, the Federal antipoverty agency headed by Sargent Shriver.

Specifically, Mr. Powell charged that the New York City community action program did not meet the requirement in the 1964 law that it be "developed, conducted and administered with the maximum feasible participation of residents of the areas and members of the groups served."

After he heard Paul R. Screvane, the city's poverty coordinator, describe an antipoverty operations board dominated by city officials, Representative Powell called it "a monolithic type of structure that is directly contrary to the present act."

During the hearing, Mr. Screvane reported that the city was prepared to attempt a compromise with Mr. Powell by setting

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up a private corporation to handle its antipoverty activities.

made up initially of 10 or 11 public officials, the City Council president said, it would later include a half-dozen local representatives of the community action project, those who were closer to the people involved. Mr. Powell, however, did not differentiate between this organizational approach and outright control of the program by the city's Poverty Operations Board.

The Harlem Congressman also said he intended to tighten still further the provisions of the poverty law to guarantee that residents of the areas in which programs are undertaken have a real voice in planning and running them.

"I want to change the law so we won't have anything of the kind you've been talking about," he told Mr. Screvane. [illegible] states the entire intent of the program you've been describing."

New York City officials used to dealing with Mr. Powell's periodic explosions were not unduly alarmed by his threats. They interpreted them as further evidence that he wanted to have the antipoverty programs of Haryou-Act independent of City Hall supervision.

Compliments Both Men

Mr. Powell himself made it clear that no personal feud with the Mayor or Mr. Screvane was involved. Before the hearing was over, he was complimenting both officials on their service to the city and repeating his own complete lack of interest in running for Mayor.

If Representative Powell should make good on his threat and the Controller General agree with his legal interpretation, however, it could be very costly to the city. It presently has an application for a $14,540,000 Federal grant before the Office of Economic Opportunity.

A spokesman for the office said this evening that it was "likely" that the pending grant would be approved. He appeared to be unimpressed by Mr. Powell's legal arguments.

Early in today's hearings, Mr. Powell went to elaborate lengths to attempt to dispel the widely held theory that he controls the operation of Haryou-Act as a political matter. The witness at the time was Livingston L. Wingate, a former Powell aide who is now executive director of the agency.

In answer to a series of questions from the Congressman, Mr. Wingate denied that Mr. Powell had ever visited Haryou-Act headquarters, made any recommendations as to its board of directors or known any of its staff, except for two clerks and a program worker.

Mr. Wingate was Representative Powell's candidate for executive director of Haryou-Act.

Both Mayor Wagner and Mr. Screvane strongly defended the city's over-all right to administer the poverty program, as a matter of practicality and efficiency.

"We're not about to turn this thing over to 16 private organizations to administer," Mr. Screvane declared at one point.

"We have to have at least some say in the way the money's spent," Mr. Wagner insisted. "Such decisions should be made by city officials who are all professionals in their fields."

Both officials emphasized that of the $1 billion New York City is presently spending on antipoverty projects, the city is contributing more than twice as much as the Federal Government.

Today's hearing was before the poverty subcommittee of the House Education and Labor Committee. Mr. Powell heads both groups. From this position, he has a role of considerable influence over some of the most important bills before Congress: education aid, poverty, automation and the like.

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Powell Calls For Links With Cuba

By United Press International

SAN JUAN, P. R.

Rep. Adam Clayton Powell yesterday called for the United States to reestablish diplomatic and commercial relations with Cuba. The Harlem Democrat said in a telephone interview from his suburban home here that he believes the U. S. should have relations with Cuba as well as with Russia and Yugoslavia and other nations whose regimes are not to Washington's liking.

"I don't see any reason for not maintaining normal relations—and there are a lot of others in Congress who think the same way, even though they haven't said so publicly," he said.

Mr. Powell said it seems futile to await the downfall of Cuban Premier Fidel Castro.

"What's the point of waiting until Castro goes out, until Khrushchev goes out, until Tito goes out?" he asked. "There's always someone to take their place."

Mr. Powell denied published charges that he is attempting to control the distribution of federal funds for the war on poverty in Puerto Rico through a recently-created private welfare association here. He said he has no plans to enter Puerto Rican politics, as had been suggested in reports here.

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FBI/DOJ

Powell at the Poverty Trough

Adam Clayton Powell knows what he wants. In that ruckus over the practical meaning of "community action" in the anti-poverty program, he is dead set against having Mayor Wagner and Council President Screvane run the operation—directly or indirectly. Powell argues that the thing should be managed at the poverty roots level as a sort of do-it-yourself proposition. At least so he says. But where the Harlem Congressman is concerned, it's well to look behind the words.

Powell is a pork-barreling politician. He has already appropriated the Haryou-Act organization. For him to denounce Wagner and Screvane is a jest. What Powell wants is to dictate how the anti-[illegible] millions shall be spent, and [illegible] phony heroics should deceive [illegible]. Powell is out to grab power for himself.

[illegible] his grandstand play demanding [illegible] Controller Mitchell [illegible] New York City [illegible] anti-[illegible] federal funds, it is worth noting [illegible] Powell has overlooked the [illegible] function of Sargent Shriver's Office of Economic Opportunity. [illegible] besides where the money is [illegible] and we may be sure that Shriver, [illegible] reputation to uphold, knows the score in New York City.

It's foolishness to think that the anti-poverty experiment can rise by itself on the street corners. The operation needs to be formed from outside as well as inside. But it must not be run by politicians for personal profit—as recognized in those calls yesterday for Congressional investigations. This is not a patronage party for Powell, or Wagner and Screvane, or anybody else. Sargent Shriver's job is to make sure of efficiency and integrity. Otherwise, the program [illegible] a dirty fraud.

[illegible]

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Stars Giving Show to Aid Powell Fund

By TED POSTON

This is the year that many entertainers gave their all to the civil rights movement—in Montgomery, Ala., Jackson, Miss., the Majestic Theatre here and elsewhere.

Sunday is the day that several will take time off to do their bit for Rep. Adam Clayton Powell, Jr., whose immediate problem is not civil rights but a civil suit—a slander judgment of $52,000 due Harlem widow Esther James.

So from 6 p.m. until shortly before midnight they'll assemble at Big Wilt's Small's Paradise at Seventh Av. and 125th St. to entertain the "Welcome Home Reception" for the embattled Congressman.

And anyone with $25—and that includes interested members of press, radio and television—can sample the wares of Dick Gregory, Moms Mabley, Big Maybelle, Dizzy Gillespie and a host of others.

No Press Passes

Before his arrival here Saturday for the event, C. Sumner Stone, the Congressman's top Washington aide, had ruled that each newspaper and radio or TV network would be entitled to one press pass each [illegible] admission.

But the local Powell Fund Committee, which includes former and present Congressional staff members Mrs. Lillian Upshur and Odell Clark and Mrs. Clara Cuff of Powell's Abyssian Baptist Church (where he preached a couple of weeks ago for the first time in five months), overruled Stone.

A committee spokesman said: "They didn't let the press into the party his supporters gave him in Washington recently, so we're not going to let them in here. They'd only come to lie about him anyhow. But I don't think we could kick them out if they came there with a $25 ticket."

Clark, who is treasurer of the committee, declined to say whether he expected a sell-out of Harlem's largest night club, but said "the tickets are going very nicely, thank you."

$16,000 Raised in D. C.

Powell, who is due to appear in court here Tuesday in his long fight against Mrs. James' $52,000 award did his bit to pack the house during his Abyssinian sermon two Sundays ago.

"I will be there in person to welcome you," he told his overflow congregation, "and also—he added solemnly—"to see just who isn't there."

Powell revealed then that the Washington affair and private contributions had raised the fund to $16,000. But his supporters are taking no chances of putting all their eggs in Big Wilt's Small's Paradise basket.

For the last two weeks, rock 'n' roller Sam Price has been touring Harlem streets on a sound truck, making a pitch for Powell, passing out printed envelopes, and urging supporters to mail in their Powell Fund contributions.

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Powell Hopes to Pay Judgment May 1

In town to answer a court charge relating to the $52,000 libel judgment against him, Rep. Adam Clayton Powell, D., said "groups working all over the country" were working to raise the money and "I hope to have (it) all . . . ready by May 1, even if I have to borrow like LBJ." Rep. Powell said "the poverty-stricken people for whom I have worked all my life" were contributing. He also observed that Mayor Wagner, with whom he is fighting over administration of anti-poverty funds, was a can't-miss candidate who will be re-elected next November because "there is no one with enough guts to run against him."

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APR 28 1965
NEW YORK

POWELL PUTS OFF $62,000 PAYMENT

Demands Agreement to End Related Civil Actions

By ROBERT E. TOMASSON

Representative Adam Clayton Powell said yesterday that he would not pay a $62,000 defamation judgment until all related civil suits against him were dropped.

The judgment is owed to Mrs. Esther James, a 66-year-old Harlem widow, and Mr. Powell had said earlier that he would pay it no later than today.

Twenty-five months ago a jury found Mr. Powell guilty of defamation when he described Mrs. James on television as a hag woman, or graft collector for the police.

Mrs. James said she would not accept the Representative's stipulation after it was announced here by his lawyer, Henry R. Williams.

2 Civil Suits Involved

Raymond Rubin, the lawyer for Mrs. James, has brought civil suits against Mr. Powell, seeking punitive damages for allegedly transferring funds to avoid paying the judgment. It is these suits, one in Westchester County and one in Manhattan, that the Harlem Democrat now seeks to have discontinued as a condition for paying the judgment.

Although criminal charges are also pending against Mr. Powell, it was learned yesterday that a New York county grand jury that has been investigating charges that the Representative transferred and concealed funds has been forced into virtual suspension for at least the next five months.

The grand jury has been attempting to examine Mr. Powell's financial account in the House of Representatives, which maintains banking facilities for the convenience of its members.

On March 18, the House passed a resolution permitting its Sergeant at arms to appear before the grand jury. However, the resolution said that he should not bring any House records with him until forced to do so by a court order.

[illegible] Attorney Frank S. Hogan obtained an order on April 7, and Joseph Shaw, the chief of the counsel group for the House in Mr. Hogan's office, went to Washington last February to present the subpoena.

Motion Filed Here

However, on that day Mr. Powell filed a motion here in State Supreme Court attempting to quash the subpoena calling for the records.

It was understood that upon hearing of the motion, John W. McCormack, the Speaker of the House, declined to open the records until the matter had been determined in the New York court.

This motion is set down for argument May 10, with the possibility of one or more adjournments being granted. Whatever the ruling, the decision will be appealed to the Appellate Division. However, that court does not hear appeals that are submitted past the middle of May before its summer recess.

The matter, then, is not expected to be resolved until October, at the earliest, when the Appellate Division resumes sitting after its recess.

The grand jury cannot hear the case until the issue is resolved.

Last February, a civil jury granted Mrs. James $210,000 in punitive damages for Mr. Powell's alleged illegal transfer of his home in Puerto Rico to his wife's relatives.

Mr. Powell defaulted in the suit, relinquishing his right to be represented by counsel. However, his lawyer attacked the validity of the verdict, claiming that Mr. Powell was not properly served with the legal papers.

Mr. Powell sustained his argument, and the $210,000 award was set aside after he agreed to accept service of the legal papers. This verdict is now being appealed, and, if the appeal is lost, there will be a new trial on the charges of an illegal transfer.

On Tuesday, Mr. Powell appeared for a hearing on a criminal charge of transfering his Puerto Rican home. The hearing was postponed, however, at the request of the District Attorney until June 26, apparently to give him more time to present information to the grand jury.

But Mr. Powell filed his motion to quash the subpoena for the House records the next day, placing the grand jury's investigation in suspension.

In State Supreme Court yesterday, Justice Thomas M. Cashin gave Mr. Powell and Mrs. James three weeks to submit papers on a motion to [illegible] Representative for contempt of court.

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—FOR POWELL'S DISBENEFIT

From the Herald Tribune Bureau
WASHINGTON.

Rep. Lionel Van Deerlin, D., Calif., introduced a simple, straightforward bill yesterday to limit the salaries of Congressional staff members who work outside of Washington or their Congressman's home district to $1,500 a year.

It began to look a little less simple when reporters discovered that only one person on the staff of a member of the House of Representatives would be affected by the bill—Mrs. Adam Clayton Powell, wife of the Harlem Democrat.

Mrs. Powell, a secretary on her husband's staff, works in Puerto Rico and makes $1,575.66 a month. Congressman Powell says her job is answering letters from Puerto Rican constituents in Spanish.

Mr. Van Deerlin said many of his constituents—most of them military families—had complained that Mrs. Powell's salary was higher than theirs. "Now, when I go back to my district," the Congressman said, "I can pull something out of my pocket and show that I'm doing something besides talking."

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Powell: City's Plan For Poor Outmoded

Rep. Adam Clayton Powell, apparently satisfied last week with Mayor Wagner's revised anti-poverty program, has decided the city is being slipped a poor substitute for what it really needs.

Despite revisions to include repersentatives of the poor in policy - making positions — a change made by Wagner to end Powell's criticism of previous proopals—the Congressman feels that the new 62-man set-up still does not qualify for federal funds.

In an interview between services yesterday at the Abyssinian aBptist Church, 132 W. 138th St., Powell called the plan presented last Wednesday by Wagner "outmoded the next day by new guidelines set by Sargent Shriver."

The Harlem Congressman-clergyman said that Shriver, head of the federal government's war on poverty, had made new guidelines "at my insistence," and that the mayors of all cities with anti-poverty programs have until June 15 to comply if they want federal assistance.

Powell charged that Wagner, Mayor Richard Daly of Chicago and other mayors "Don't want poor people to fight city hall with poverty funds."

Another New York Congressman, Rep. Celler, (D-B'klyn), who last week called for a sweeping investigation of all anti-poverty programs—declared yesterday that New York's reorganized plan is satisfactory and called for an early start in its operation.

Appearing on CBS-TV's "Newsmakers," Celler said he belives Wagner wants the City's Council Against Poverty to "operate without politics."

In another poverty-war development, Livingston L. Wingate —director of HARYOU-ACT— warned of a "dangerous" situation developing this summer if control of the Harlem program is taken from the hands of the Negro community.

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Bank Account With Donations to Powell Is Frozen

By HERBERT H. TOMARKIN

An account in a Harlem bank containing donations collected to pay the $52,000 defamation judgment against Representative Adam Clayton Powell was frozen yesterday.

William R. Hudgins, president of the Freedom National Bank at 271 West 125th Street, was enjoined from permitting any of the account's funds from being transferred or withdrawn. He was also served with a subpoena directing him to produce all the account's records in State Supreme Court on May 20.

Mr. Hudgins declined to specify how much money had been deposited under the account name, "Harlem Justice for Powell."

The restraining notice and subpoena were served on the bank president by Raymond Rubin, the lawyer for Mrs. Esther James, a 68-year-old widow who has been trying unsuccessfully for more than two years to collect the judgment.

Mr. Rubin said yesterday that he had received an anonymous tip on the location of the account. He said he then called the bank and, without identifying himself, asked how he could make a contribution to the Powell fund.

"They told me to make any check payable to 'Harlem Justice for Powell' and mail it to the bank," he said.

State Law Cited

Mr. Rubin said that he then drew up the notice and subpoena papers, went to the bank and served them on Mr. Hudgins. Under state law a lawyer has the power to serve these papers on a bank after a court judgment has been obtained.

Representative Powell was found guilty April 4, 1963, of having slandered Mrs. James by calling her a "bag woman," or gamblers' agent. He made the charge on a television program.

The jury verdict awarding damages to Mrs. James was upheld by the Court of Appeals, the state's highest tribunal, and the United States Supreme Court refused to review the case, thus ending Mr. Powell's hopes for reversal.

To pay the judgment, he said, he would accept donations, and parties were held here and in Washington for that purpose. Several weeks ago he said he had raised "about $30,000 from friends."

Mr. Powell had said he would pay the judgment by the end of last month. But on April 30 he said that he would pay only if all other civil suits brought against him by Mrs. James were dropped.

This condition was rejected and Mr. Powell did not pay. Mr. Rubin will now attempt to obtain the money in the Harlem account while proceeding with the other suits.

These other civil suits, one in Westchester and one here, seek almost $500,000 in punitive damages against Mr. Powell for his alleged transfer of ownership of two houses to avoid paying the judgment.

District Attorney Frank S. Hogan has obtained a subpoena calling for an examination of Mr. Powell's Congressional account. Such accounts, which function as limited bank accounts, are maintained for the convenience of members of Congress.

Henry R. Williams, Mr. Powell's lawyer, was to have argued yesterday on his motion to quash the subpoena in the criminal part of State Supreme Court. However, Mr. Williams was ill and his wife conveyed his request to the court to adjourn argument for one week.

Justice Irwin D. Davidson said he would set Wednesday morning as the last opportunity for Mr. Williams either to make his argument or file papers.

Mr. Powell is under a court order to appear in the civil part of the court this morning for a pre-trial examination in the Westchester suit. Mrs. James is seeking $211,500 in this action.

If Mr. Powell fails to appear or provide a sufficient excuse, he will default and lose his right to defend himself.

CLIPPING FROM THE
N. Y. Times
EDITION Late City
DATED 5/11/65
PAGE 27

* FORWARDED BY NY DIVISION
* NOT FORWARDED BY NY DIVISION

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DATE 4/27/94 BY [redacted]
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100-22864-55
[redacted]
MAY 10 1965
FBI - NEW YORK

POWELL DEFAULTS IN A $211,500 SUIT

Fails to Appear in Court for Financial Examination

By ROBERT R. TOMASSON

Representative Adam Clayton Powell ignored a notice to appear in State Supreme Court for a financial examination yesterday and thereby defaulted in a suit seeking $211,500 in punitive damages from him.

Mr. Powell is accused of having transferred his half interest in a house he owned at 711 Collins Avenue, Mount Vernon, N.Y., to his first wife, Hazel Scott, in October, 1961, 25 months after a defamation of character suit was started against him. The formal charge is fraudulent conspiracy.

The suit was brought by Mrs. Esther James, a 66-year-old Harlem widow who won a defamation judgment 25 months ago against the Representative, who had called her a "bag woman," or gamblers' agent, on a television program. Mr. Powell has refused to pay the judgment, which now stands at about $12,000 with interest.

On several previous occasions, the Harlem Democrat has ignored various orders and notices to appear in court to be questioned on his ability to pay the defamation judgment.

Raymond Rubin, the lawyer for Mrs. James, contends that after the defamation suit was started, Mr. Powell transferred his half interest in the Mount Vernon house to avoid the possibility of his being liable for payment of the judgment if he should lose his case, as he did.

It is a misdemeanor for a defendant in a damage suit to make himself "judgment proof." However, Mr. Rubin is filing a civil suit since the statute of limitations on criminal prosecution has expired on the alleged Mount Vernon transfer.

Late yesterday, Henry R. Williams, Mr. Powell's lawyer, served Mr. Rubin with a motion seeking to dismiss the $211,500 suit for being without merit. This will be argued Monday in State Supreme Court in White Plains.

Mr. Rubin said that he would ask the court in White Plains on Monday to set down his $211,500 suit for an inquest before a jury.

An inquest differs from a trial in that the defendant is not represented by counsel. And if the state court in White Plains does not give Mr. Powell another opportunity to produce his financial records and the suit is not dismissed, a jury will consider the sole issue of how much money Mrs. James should be awarded.

Mr. Rubin had brought a similar suit against Mr. Powell here, charging he transferred ownership of another house he owned in Puerto Rico. Mr. Powell defaulted in this action and jury set $210,000 in punitive damages against him.

However, this verdict was set aside after a judge said that there was some question as to whether Mr. Powell was properly served with legal papers. If the Appellate Division decides that service was proper, the $210,000 in punitive damages will be reinstated against Mr. Powell.

Mr. Williams is scheduled to appear today in the criminal part of the State Supreme Court here to quash a subpoena obtained by District Attorney Hanik A. Hogan calling for the examination of Mr. Powell's financial account that he maintains in the House of Representatives.

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CLIPPING FROM THE

N. Y. Times

EDITION Late City

DATED 5/12/65

PAGE 5 1

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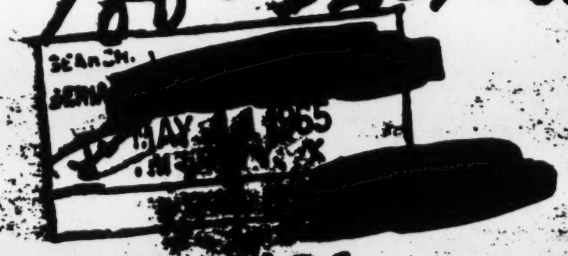

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Section 552		Section 552a
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TO : DIRECTOR, FBI (25-330971)

FROM : SAC, CHICAGO (100-28635) (P)

SUBJECT: NATION OF ISLAM
IS-NOI

[redacted] who has furnished reliable information in the past, on May 26, 1965, advised [redacted] attempted to contact Room 2300 at the Conrad Hilton Hotel, Chicago, Illinois. b2 b7C

[redacted] advised SA [redacted] b7C b7D

[redacted] b2 b7D

[redacted] has been alerted for additional data in this regard as he [redacted] b2 b7D

2 - Bureau (RM)
1 - New York (105-7809) (Info) (RM)
(1 - 100) (ADAM CLAYTON POWELL)
2 - Phoenix (105-93) (RM)
1 - Chicago

(3) [redacted] b7C

100-228654-869

#43

JUN 1 [illegible]

FBI - [illegible]

b7C

Phoenix and New York should alert their sources close to [redacted] and close to the NOI and ADAM CLAYTON POWELL in this regard. b7c

FD-350 (4-3-62)

(Mount Clipping in Space Below)

Rep. Powell To Speak At McCormick Place May 28

New York Representative Adam Clayton Powell, will in his speech Friday, May 28, at McCormick Place define new concepts for the freedom struggle for Black people in America.

Representative Powell will be in Chicago this week to address the dinner guests at the testimonial for the Rev. Frank K. Sims, pastor of Ebenezer Baptist Church in his 6th anniversary as pastor of the large congregation. The banquet climaxes a week long celebration at 7 p. m. Friday in the banquet room of McCormick Place with Mrs. Hazel Stillwell, chairman. Mrs. Almay Green, anniversary chairman and Richard Smith, co-chairman. Mrs. Addie L. [illegible], the other committee member.

Rev. ARCHIBALD J. CAREY, Sr.

Dr. Archibald J. Carey, Jr., pastor of [illegible] Chapel A. M. E. Church and former UN delegate will introduce Rev. Powell, and Dr. W. W. Daniel, pastor of Antioch Baptist Church will be the toast master for the banquet.

Soloist for the occasion will be Miss Ford Goodlette, soprano, and the Youth Chorus of Ebenezer under the direction of Marion [illegible] will sing.

Rev. Dr. Sims, honoree of the banquet marking his 6th year as pastor of this congregation, came to Chicago from Mount Olive Baptist Church of Nashville, Tenn., and is a graduate of Benedict College, with his masters' degree from Tennessee A&M University. In addition to being affiliated with National and State Baptist Conventions, Dr. Sims is a member of the board of the National Council of Churches of Christ in America, Conference of Religion and Race and of the Church Federation of Greater Chicago. He is married to a former teacher, Mrs. Eunice Sims and they are the parents of two lovely daughters.

REV. W. N. DANIEL

REV. FRANK K. SIMS

(Indicate page, name of newspaper, city and state.)

6

THE NEW CRUSADER
CHICAGO, ILLINOIS

Date: 5-29-65
Edition: WEEKLY EDITION
Author:
Editor: BALM L. LEAVELL, JR.
Title:

Character:
Classification:
Submitting Office: CHICAGO

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4/18/85 BY

100-22864-876

FBI—NEW YORK

Adam Powell's Compromise

Rep. Adam Clayton Powell, chairman of the House Education and Labor Committee, who threatened last week to "pocket-veto" the right-to-work repeal bill unless he got approval of an amendment to the 1964 Civil Rights Act which he was pushing, gave up yesterday. After meeting with his fellow Democrats on the committee, he said he will let the repealer out of committee—and 17 of the 21 Democrats on the committee will back his civil rights amendment which, he contends, will give Negroes better protection against racial discrimination by unions. The repealer, which now will go to the House, deprives states of the right to have so-called right-to-work laws.

CLIPPING FROM THE

N. Y. World Telegram

EDITION Late City

DATED 6/18/65

PAGE 2

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100-22864-37
[redacted] INDEXED
[redacted] FILED
JUN 18 1965
FBI - NEW YORK
#3
b7c

FD-350 (4-3-62)

(Mount Clipping in Space Below)

FOR A TESTIMONIAL banquet honoring Dr. and Mrs. Sims, held in McCormick Place, Friday, May 28, the distinguished Congressman of New York, Adam Clayton Powell, delivered a message to a capacity crowd that will linger long in the memory of all those who attended.

Rep. Powell spoke on the subject of the "Marching Blacks, 1965; A Black Position Paper For America's 20,000,000 Negroes."

His message was hailed with great applause and the large integrated gathering sat in rapt attention punctuated here and there with applause. Rep. Powell was introduced by Rev. Archibald J. Carey, pastor of Quinn Chapel AME Church. Serving as toastmaster was the dynamic Dr. W. M. Daniel, pastor of Antioch Baptist Church.

A presentation of an "Award of Merit" was presented to Rep. Powell by Pastor Sims, and other presentations were made to the honorees and his wife. Mrs. Hazel Stillwell, banquet chairman, made the presentation and Mrs. Almay Green, general chairman of the anniversary paid a glowing tribute to Rev. Sims when she was introduced.

A distinguished list of local and national personalities occupied the head table seats and many notables were there to honor Dr. Sims as he climaxed his sixth year at the helm of leadership of Ebenezer.

(Indicate page, name of newspaper, city and state.)

6 THE NEW CRUSADER
CHICAGO, ILLINOIS

Date: 6-5-65
Edition: WEEKLY EDITION
Author:
Editor: BALM L. LEAVELL, JR
Title:

Character:
or
Classification:
Submitting Office CHICAGO

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JUN 21 1965
FBI—NEW YORK

100-22849-872 b7c

Powell Scores NAACP and Mrs. Motley

By HERB GOLDSTEIN

Rep. Adam Clayton Powell today was battling both the NAACP and Manhattan's Borough President.

In what could become a weekly Sunday press conference at the Abyssinian Baptist Church in Harlem, where Powell is a minister, the Congressman charged that Clarence Mitchell—an NAACP official—had asked him to tone down his fight for stronger Fair Employment Practices Laws.

Powell, who said he was "shocked" by the alleged request, said that Mitchell had asked him not to fight for stronger laws against racial discrimination by unions because the NAACP "owed" a favor to labor.

Mitchell answered Powell's charge by branding it "a damned dirty lie," and challenging the Congressman to repeat his statements face-to-face at a Congressional hearing today.

Negro Meeting Asked

In his local skirmish, Powell called for a meeting of elected Negro leaders to choose a substitute for Constance Baker Motley, a Negro and the first woman to hold the office of borough president.

"Mrs. Motley is a very fine person an dI have the utmost respect for her," Powell said, "but she was chosen by Mayor Wagner with absolutely no consultation with Negro leaders, including J. Raymond Jones."

Mrs. Motley, a former associate counsel for the NAACP and a State Senator, was chosen by Manhattan Committmen last February over Powell's vigorous objections. In a telegram to Mayor Wagner today, Powell said:

"Of course, the power structure has within it the power to impose their Negro upon the Negro community, but this does not make for a happy and contended Negro community... If the job is being given to Mrs. Motley because she is a Negro, then she should be selected by the elected leaders representing the Harlem community. Unfortunately, and once again, the selection of a Negro is apparently being made by the white man."

Mrs. Motley Silent

Powell's latest attack on Mrs. Motley's candidacy was met by the Borough President's with a terse: "I will have no comment on Congressman Powell's statement."

Enlarging on his charges against Mitchell, Powell—chairman of the House Education and Labor Committee—said that Mitchell asked him not to push too hard for anti-discrimination provisions in the bill seeking repeal of Section 14-B of the Taft Hartley Act, fearing that the fight to abolish state right-to-work laws might be jeopardized.

In denying Powell's charges, Mitchell accused him of appearing to be "trying to sabotage both FEPC and the repeal of 14-B."

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TBI—NEW YO

Powell Charge Draws Fire of NAACP Official

Rep. Adam Clayton Powell had another busy day.

Mrs. Constance Baker Motley, incumbent Manhattan borough president, was "ready to resign last week," he said, yesterday.

And he added what he described as the "shocking information" that Clarence Mitchell, congressional lobbyist for the National Assn. for the Advancement of Colored People, had asked him not to fight to strengthen the Fair Employment Practices Commission but, rather, to work for the repeal of Section 14-B of the Taft-Hartley Act, which permits the states to bar union shops.

CHARGES AT CHURCH

Both of his announcements made at his Abyssinian Baptist Church produced immediate reactions.

Mrs. Motley could not be reached. But her husband said: "She has never mentioned resigning to me."

And Mr. Mitchell described Rep. Powell's charge against him as:

"A damn dirty lie."

Daring Rep. Powell to repeat his statement at a Congressional hearing tomorrow, he asserted that the Harlem representative "seemed to be on the team of those trying to sabotage" both the FEPC and any chance for repeal of the union shop ban.

Rep. Powell's report on Mrs. Motley's alleged future political plans came as he disclosed that he and other Harlem leaders were going to "make our own slate" and would not support Mrs. Motley in her campaign to win election to the borough presidency at the general election next Fall.

Rep. Powell said he will continue to work for strengthening of the FEPC and warned that, if that failed to pass, he "will personally lead the opposition on the floor against repeal of 14-B."

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FBI—NEW YORK

Adam Powell: Man Inside

By WOODY KLEIN
Of the World-Telegram Staff

ADAM CLAYTON POWELL AND THE POLITICS OF RACE. By Neil Hickey and Ed Edwin. Fleet Publishing Corp., 308 pp. $6.50.

"Adam Clayton Powell," say authors Neil Hickey and Ed Edwin, "must be counted among the most extraordinary public figures of our time."

Everybody Has an Opinion

This is how these two newsmen start their new book, "Adam Clayton Powell and the Politics of Race," a vividly-written, up-to-date biography of the contentious Harlem Congressman.

"He has been denounced as a charlatan, demagogue, playboy, woman-chaser, opportunist, hypocrite, rabble-rouser, maverick and master of the grandstand play," the authors state.

"Nonetheless, he has been elected every two years since 1944 to the United States Congress (often with hardly a [illegible] into Powell's past and into the history of the events which helped him to power. They offer some rare insight into

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FBI—NEW YORK

the character and thinking of Powell the man.

In order to trace the development of Powell's charisma, they take you back into the fermenting Harlem of the 1920s, through the Depression and the rise and fall of Marcus Garvey.

They also recall the early machinations of Tammany (campaign speech) and is chairman of the influential House Committee on Education and Labor."

This book succeeds in explaining the paradox of Adam Powell. It offers the first in-depth account of how Powell became the most powerful Negro, politically, in the country.

• • •

The authors have delved Haal, the first civil rights efforts led by Powell and the recurring pattern of race riots which Powell has always exploited.

The story of the man who influenced Powell most—his strong-willed father, from whom Adam inherited the pastorship of the Abyssinian Baptist Church—is also unfolded here.

And the roles that Powell's three wives—including entertainer Hazel Scott — have played in his life are skillfully explored.

• • •

More importantly, the authors focus on the people of Harlem through a series of perceptive interviews which reveal Powell's curious respect and disdain for the people who support him.

The book points out, too, how Powell time and time again seeks to escape the double standard of morality which whites instinctively impose upon Negroes.

"White America," the authors write, "demands that a Negro, to prove himself, be more able and moral than a white man in the same circumstances."

This book is not a hatchet job, nor is it a pat on the back. It is an objective, incisive account of the one man in America about whom almost everybody has a strong opinion.

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Powell's Life at Court

Here's the latest on Rep. Adam Clayton Powell's wild legal affairs, which closely resemble a barrel of hot eels. First, the Congressman appeared in Criminal Court to oppose a charge that he transferred $900 to his wife's account to avoid paying that $46,500 defamation judgment to Mrs. Esther James (he called her a "bag woman" for corrupt officials). The court matter was continued to Aug. 23. Then, over in State Supreme Court, Justice Frederick Backer refused to quash a subpoena asking for production of a Harlem bank's records about money raised by two committees of the Congressman's friends to pay off the judgment.

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